

Charta

II

Calendar No.

96TH CONGRESS
2D SESSION

S. 2284

[Report No. 96-730]

To authorize the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, JANUARY 3), 1980

Mr. HUDDLESTON (for himself, Mr. MATHIAS, Mr. BAYH, and Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

MAY 15 (legislative day, JANUARY 3), 1980

Reported by Mr. BAYH, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the "National Intelligence Act
2 of 1980".

3 TITLE I—AUTHORIZATION FOR INTELLIGENCE
4 ACTIVITIES

5 PART A—FINDINGS; PURPOSES; DEFINITIONS

6 STATEMENT OF FINDINGS

7 SEC. 101. The Congress hereby makes the following
8 findings:

9 (1) Intelligence activities should provide timely,
10 accurate, and relevant information and analysis neces-
11 sary for the conduct of the foreign relations and the
12 protection of the national security of the United States.

13 (2) The collection and production of intelligence
14 should be conducted in a manner that avoids waste and
15 unnecessary duplication of effort within the intelligence
16 community.

17 (3) Supervision and control are necessary to
18 ensure that intelligence activities are in support of the
19 foreign relations of the United States and do not
20 abridge rights protected by the Constitution and laws
21 of the United States.

22 STATEMENT OF PURPOSES

23 SEC. 102. It is the purpose of this Act—

1 (1) to authorize the intelligence activities neces-
2 sary for the conduct of the foreign relations and the
3 protection of the national security of the United States;

4 (2) to replace the provisions of the National Secu-
5 rity Act of 1947 governing intelligence activities;

6 (3) to ensure that the intelligence activities of the
7 United States are conducted in a manner consistent
8 with United States defense and foreign policy interests
9 and are properly and effectively directed, regulated, co-
10 ordinated, and administered;

11 (4) to ensure that the Government of the United
12 States is provided, in the most efficient manner, with
13 accurate, relevant, and timely information and analysis
14 so that sound and informed decisions may be made re-
15 garding the security and vital interests of the United
16 States and so that the United States may be protected
17 against foreign intelligence activities, international ter-
18 rorist activities, and other forms of hostile action by
19 foreign powers, organizations, or their agents, or by in-
20 ternational terrorists, directed against the United
21 States; and

22 (5) to ensure that the entities of the intelligence
23 community are accountable to the President, the Con-
24 gress, and the people of the United States and that the
25 intelligence activities of the United States are conduct-

1 ed in a manner consistent with the Constitution and
2 laws of the United States.

3 DEFINITIONS

4 SEC. 103. As used in this title—

5 (1) The term “communications security” means
6 the protection resulting from any measure taken to
7 deny unauthorized persons information derived from
8 the telecommunications of the United States related to
9 the national security, or from any measure taken to
10 ensure the authenticity of such telecommunications.

11 (2) The term “counterintelligence” means infor-
12 mation pertaining to the capabilities, intentions, or ac-
13 tivities of any foreign power, organization, or person in
14 the fields of espionage, other clandestine intelligence
15 activity, covert action, assassination, or sabotage.

16 (3) The term “counterintelligence activity”
17 means—

18 (A) the collection, retention, processing,
19 analysis, and dissemination of counterintelligence;
20 and

21 (B) any other activity, except for personnel,
22 document, physical and communications security
23 programs, undertaken to counter or protect
24 against the espionage, other clandestine intelli-
25 gence activity, covert action, assassination, or

1 sabotage, or similar activities of a foreign govern-
2 ment.

3 (4) The term "counterterrorism intelligence"
4 means information pertaining to the capabilities, inten-
5 tions, or activities of any foreign power, organization
6 or person related to international terrorist activity.

7 (5) The term "counterterrorism intelligence activi-
8 ty" means—

9 (A) the collection, retention, processing,
10 analysis, or dissemination of counterterrorism in-
11 telligence; and

12 (B) any other activity undertaken by an
13 entity of the intelligence community to counter or
14 protect against international terrorist activity.

15 (6) The term "cover" means any means by which
16 the true identity or relationship with an entity of the
17 intelligence community of any activity, officer, employ-
18 ee, or agent of such entity, or of a related corporation
19 or organization, is disguised or concealed.

20 (7) The terms "departments and agencies" and
21 "department or agency" means any department,
22 agency, bureau, independent establishment, or wholly
23 owned corporation of the Government of the United
24 States.

1 (8) The term "foreign intelligence" means infor-
2 mation pertaining to the capabilities, intentions or ac-
3 tivities of any foreign state, government, organization,
4 association, or individual, or information on the foreign
5 aspects of narcotics production and trafficking, but does
6 not include counterintelligence, counterterrorism intelli-
7 gence, or tactical intelligence.

8 (9) The term "foreign intelligence activity" means
9 the collection, retention, processing, analysis, or dis-
10 semination of foreign intelligence.

11 (10) The term "intelligence" means foreign intelli-
12 gence, counterintelligence, counterterrorism intelli-
13 gence, and information relating to or resulting from
14 any intelligence activity.

15 (11) The term "intelligence activity" means—
16 (A) any foreign intelligence activity;
17 (B) any counterintelligence activity;
18 (C) any counterterrorism intelligence activity;
19 (D) any special activity.

20 (12) The terms "intelligence community" and
21 "entity of the intelligence community" mean—

22 (A) the Office of the Director of National In-
23 telligence;
24 (B) the Central Intelligence Agency;
25 (C) the Defense Intelligence Agency;

1 (D) the National Security Agency;

2 (E) the offices within the Department of De-
3 fense for the collection of specialized national in-
4 telligence through reconnaissance programs;

5 (F) the intelligence components of the mili-
6 tary services;

7 (G) the intelligence components of the Feder-
8 al Bureau of Investigation;

9 (H) the Bureau of Intelligence and Research
10 of the Department of State;

11 (I) the foreign intelligence components of the
12 Department of the Treasury;

13 (J) the foreign intelligence components of the
14 Department of Energy.

15 (K) the successor to any of the agencies, of-
16 fices, components, or bureaus named in clauses
17 (A) through (J); and

18 (L) such other components of the depart-
19 ments and agencies, to the extent determined by
20 the President, as may be engaged in intelligence
21 activities.

22 (13) The term "international terrorist activity"
23 means any activity which—

24 (A) involves—

1 (i) killing, causing serious bodily harm
2 to, or kidnapping one or more individuals;

3 (ii) violent destruction of property;

4 (iii) an attempt or credible threat to
5 commit any act described in clause (i) or (ii);

6 and

7 (B) appears intended to endanger a protectee
8 of the Secret Service or the Department of State,
9 or to further political, social, or economic goals
10 by—

11 (i) intimidating or coercing a civilian
12 population or any segment thereof;

13 (ii) influencing the policy of a govern-
14 ment or international organization by intimi-
15 dation or coercion; or

16 (iii) obtaining widespread publicity for a
17 group or its cause; and

18 (C) occurs totally outside the United States,
19 or transcends national boundaries in terms of—

20 (i) the means by which its objective is
21 accomplished;

22 (ii) the civilian population, government,
23 or international organization it appears in-
24 tended to coerce or intimidate, or

1 (iii) the locale in which its perpetrators
2 operate or seek asylum.

3 (14) The term "national intelligence" means for-
4 eign intelligence which is collected, retained, proc-
5 essed, or disseminated by the entities of the intelli-
6 gence community for use in the formulation and direc-
7 tion of national policy.

8 (15) The term "national intelligence activity"
9 means (A) any special activity, (B) any foreign intelli-
10 gence activity the primary purpose of which is to col-
11 lect or produce national intelligence, and (C) any for-
12 eign intelligence activity designated by the President
13 as a national intelligence activity.

14 (16) The term "national intelligence budget"
15 means the budget prepared by the Director of National
16 Intelligence pursuant to section 308 of this Act and in-
17 cludes all funds for—

18 (A) the programs of the Central Intelligence
19 Agency and of the Office of the Director of Na-
20 tional Intelligence;

21 (B) the Consolidated Cryptologic Program,
22 the programs of the offices within the Department
23 of Defense for the collection of specialized nation-
24 al intelligence through reconnaissance programs,
25 and the General Defense Intelligence Program,

10

1 except such elements of these programs as the
2 Director of National Intelligence and the Secre-
3 tary of Defense agree should be excluded; and

4 (C) any other program or programs of any
5 department or agency designated by the President
6 or jointly by the Director of National Intelligence
7 and the head of such department or agency.

8 (17) the term "proprietary" means a sole propri-
9 etorship, partnership, corporation, other commercial
10 entity organized in the United States, or other entity
11 organized abroad that is owned or controlled by an
12 entity of the intelligence community but whose rela-
13 tionship to that entity is not officially acknowledged.

14 (18) The term "special activity" means an activi-
15 ty conducted abroad which is (A) designed to further
16 official United States programs and policies abroad,
17 and (b) planned and executed so that the role of the
18 United States Government is not apparent or acknowl-
19 edged publicly. Such term does not include any coun-
20 terintelligence or counterterrorism intelligence activity
21 or the collection, retention, processing, dissemination
22 and analysis of intelligence or related support func-
23 tions, nor any diplomatic activity of the United States.

24 (19) The term "tactical intelligence" means infor-
25 mation pertaining to the capabilities, intentions, or ac-

1 tivities of any foreign state, government organization,
2 association, or individual required by the Armed Forces
3 of the United States to maintain their readiness for
4 combat operations and to support the planning and
5 conduct of combat operations by the United States.

6 (20) The term "United States", when used in a
7 geographical sense, means all areas under the territori-
8 al sovereignty of the United States and the Trust Ter-
9 ritory of the Pacific Islands.

10 (21) The term "United States person" means—

11 (A) a citizen of the United States;

12 (B) an alien lawfully admitted for permanent
13 residence (as defined in section 101(a)(20) of the
14 Immigration and Nationality Act), except that
15 such alien may be presumed to have lost status as
16 a United States person for purposes of this Act
17 after one year of continuous residence outside the
18 United States until information is obtained which
19 indicates an intent on the part of such alien to
20 return to the United States as a permanent resi-
21 dent alien;

22 (C) any unincorporated association organized
23 in the United States or a substantial number of
24 whose members are citizens of the United States
25 or aliens lawfully admitted for permanent resi-

1 dence and which is not openly acknowledged by a
2 foreign government or governments to be directed
3 and controlled by such foreign government or
4 governments, except that an unincorporated asso-
5 ciation outside the United States may be pre-
6 sumed not to be a United States person until in-
7 formation is obtained which indicates the con-
8 trary; or

9 (D) any corporation which is incorporated in
10 the United States and which is not openly ac-
11 knowledged by a foreign government or govern-
12 ments to be directed and controlled by such gov-
13 ernment or governments, except that a corpora-
14 tion or corporate subsidiary incorporated abroad
15 or controlled by a foreign power abroad is not a
16 United States person.

17 **PART B—GENERAL INTELLIGENCE AUTHORITIES**

18 **AUTHORIZATION FOR INTELLIGENCE ACTIVITIES**

19 **SEC. 111. (a)** The entities of the intelligence community
20 are authorized to conduct intelligence activities, under the
21 direction and review of the National Security Council, but
22 only in accordance with the provisions of this Act.

23 **(b)** Nothing in this title shall be construed to prohibit
24 any department or agency from collecting, retaining, process-

1 ing, analyzing, or disseminating information if such depart-
2 ment or agency is otherwise authorized to do so.

3 (c) Except as expressly provided, nothing in this Act
4 shall be construed to prohibit or affect any activities of any
5 department or agency that are not intelligence activities.

6 (d) Except as expressly provided, nothing in this Act is
7 intended to affect or alter existing responsibilities under law,
8 including those established under section 2680a of title 22,
9 United States Code.

10 (e) Nothing in this Act shall be construed to authorize
11 any entity of the intelligence community to conduct any ac-
12 tivity for the purpose of depriving any person of any rights,
13 privileges, or immunities secured or protected by the Consti-
14 tution or laws of the United States.

15 NATIONAL SECURITY COUNCIL

16 SEC. 112. (a) The National Security Council shall pro-
17 vide the highest level review of, guidance for, and direction
18 to the conduct of all intelligence activities. The responsibil-
19 ities of the National Security Council, or such committees of
20 the National Security Council as may be established by the
21 President, shall be to—

22 (1) establish requirements and priorities for na-
23 tional intelligence;

1 (2) review the responsiveness of program and
2 budget proposals to intelligence requirements and pri-
3 orities;

4 (3) review the quality of national intelligence
5 products and develop appropriate policy guidance;

6 (4) develop policy, standards, and doctrine for the
7 conduct of counterintelligence and counterterrorism in-
8 telligence activities;

9 (5) advise and assist the President in the formula-
10 tion of policy with respect to communications security,
11 including the relationship between the communications
12 security and intelligence activities of the United States;

13 (6) perform its responsibilities under Part C of
14 this title and under section 213 of this Act.

15 (b) The President may—

16 (1) establish such committees of the National Se-
17 curity Council as may be necessary to discharge its re-
18 sponsibilities under this Act;

19 (2) determine the membership of such committees,
20 consistent with this Act, including designation of a
21 chairman and requirements for attendance of members;

22 (3) prescribe such other standards, procedures,
23 and specific duties as may be necessary and appropri-
24 ate for the National Security Council and such commit-

15

1 tees thereof to discharge their responsibilities under
2 this Act.

3 PART C—AUTHORIZATION AND PROCEDURES FOR SPE-
4 CIAL ACTIVITIES AND OTHER SENSITIVE INTELLI-
5 GENCE ACTIVITIES

6 PURPOSE

7 SEC. 121. The purpose of this part is to ensure that
8 special activities are undertaken only in support of important
9 national security interests of the United States when overt or
10 less sensitive alternatives would not be likely to achieve the
11 intended objective; when such activities are consistent with
12 the aims, values, and policies of the United States; and when
13 the anticipated benefits of such activities justify the foresee-
14 able risks and likely consequences.

15 CONDUCT OF SPECIAL ACTIVITIES

16 SEC. 122. (a) Special activities may be conducted only
17 by the Central Intelligence Agency. The Department of De-
18 fense may also conduct special activities in accordance with
19 section 123(e). Any department or agency may conduct spe-
20 cial activities when the President determines that the intend-
21 ed United States objective is more likely to be achieved.

22 (b) Support for any special activity may be provided by
23 any department or agency if the President determines for ac-
24 tivities involving substantial resources, risks, or conse-
25 quences, or if the National Security Council or a committee

1 thereof determines for other activities, that such support is
2 necessary.

3 AUTHORIZATION FOR SPECIAL ACTIVITIES

4 SEC. 123. Special activities shall be authorized only as
5 follows:

6 (a) Special activities shall be authorized by the Presi-
7 dent.

8 (1) Authorization for any special activity that in-
9 volves substantial resources, risks, or consequences
10 shall require a finding by the President that each such
11 special activity is important to the national security of
12 the United States and consistent with the purposes of
13 this part.

14 (2) Authorization for any other special activities
15 may be by category and shall require a finding by the
16 President that such category of special activities is im-
17 portant to the national security of the United States
18 and consistent with the purposes of this part. The Na-
19 tional Security Council or a committee thereof desig-
20 nated by the President for that purpose shall be re-
21 sponsible for the supervision of each such activity and
22 shall ensure that it is consistent with the Presidential
23 finding.

24 (b) Authorization by the President for special activities
25 shall be preceded by a review by the National Security Coun-

1 cil or a committee thereof designated by the President for
2 that purpose. Such review shall include an assessment and a
3 recommendation as to whether the activity or category of
4 activities is consistent with the purposes of this part. Such
5 recommendation shall include the views of any member who
6 disagrees with the majority of the Council or committee
7 thereof.

8 (e) No decision or recommendation to the President re-
9 lating to a special activity may be made by the National Se-
10 curity Council or a committee thereof unless the following
11 officers, or if unavailable their representatives, were present:
12 The Secretary of Defense, the Secretary of State, the Attor-
13 ney General, and the Director of National Intelligence.

14 (d) Any special activity which lasts more than a year or
15 which is substantially changed in form or purpose must be
16 reaffirmed by the President under subsection (a) and re-
17 viewed by the National Security Council or a committee
18 thereof under subsection (b).

19 (e) The President may delegate Presidential authorities
20 and responsibilities under this section to the Secretary of De-
21 fense with respect to special activities conducted by the
22 Armed Forces of the United States in time of war declared
23 by Congress or during any period covered by a report from
24 the President to the Congress under the War Powers Resolu-

1 tion (87 Stat. 555), to the extent necessary to carry out the
2 activity that is the subject of the report.

3 **AUTHORIZATION FOR OTHER SENSITIVE INTELLIGENCE**
4 **ACTIVITIES**

5 **SEC. 124.** The President shall establish procedures for
6 the approval of sensitive foreign intelligence, counterintelli-
7 gence, or counterterrorism intelligence activities which may
8 require review or findings by the President, the National Se-
9 curity Council, a committee thereof, the Director of National
10 Intelligence, the head of an entity of the intelligence commu-
11 nity, or any other designated official.

12 **CONGRESSIONAL NOTIFICATION**

13 **SEC. 125.** Each special activity authorized under sec-
14 tion 123(a)(1) and each category of special activities author-
15 ized under section 123(a)(2) shall be considered significant
16 anticipated intelligence activities for the purposes of the re-
17 quirement of section 142 of this Act, except that such prior
18 notice may be limited for a period of forty-eight hours to the
19 chairmen and ranking minority members of the House Per-
20 manent Select Committee on Intelligence and the Senate
21 Select Committee on Intelligence, the Speaker and minority
22 leader of the House of Representatives, and the majority and
23 minority leaders of the Senate if the President determines it
24 is essential to meet extraordinary circumstances affecting
25 vital interests of the United States. Such committees shall be

1 fully informed under section 142 of this Act upon expiration
2 of the forty-eight hour period.

3 ~~PART D—LIMITATIONS ON INTELLIGENCE AUTHORITIES~~
4 ~~PROHIBITION ON ASSASSINATION~~

5 ~~SEC. 131. No person employed by or acting on behalf of~~
6 ~~the United States Government shall engage or conspire to~~
7 ~~engage in assassination.~~

8 ~~INTEGRITY OF PRIVATE INSTITUTIONS OF THE UNITED~~
9 ~~STATES~~

10 ~~SEC. 132. (a) The President shall establish public guide-~~
11 ~~lines for the intelligence activities of the entities of the intelli-~~
12 ~~gence community to protect the integrity and independence~~
13 ~~of private institutions of the United States in accordance with~~
14 ~~constitutional principles.~~

15 ~~(b) No entity of the intelligence community may use, for~~
16 ~~the purpose of establishing or maintaining cover for any offi-~~
17 ~~cer of that entity to engage in foreign intelligence activities~~
18 ~~or special activities, any affiliation, real or ostensible, with~~
19 ~~any United States religious organization, United States~~
20 ~~media organization, United States educational institution, the~~
21 ~~Peace Corps, or any United States Government program de-~~
22 ~~signed to promote education, the arts, humanities, or cultural~~
23 ~~affairs through international exchanges.~~

24 ~~(c) Nothing in this section shall be construed to prohibit~~
25 ~~voluntary contacts or the voluntary exchange of information~~

1 between any person and any entity of the intelligence com-
2 munity.

3 (d) The President may waive any or all of the provisions
4 of this section during any period in which the United States
5 is engaged in war declared by Act of Congress, or during any
6 period covered by a report from the President to the Con-
7 gress under the War Powers Resolution (87 Stat. 555), to
8 the extent necessary to carry out the activity that is the sub-
9 ject of the report. The President shall notify the House Per-
10 manent Select Committee on Intelligence and the Senate
11 Select Committee on Intelligence in a timely manner of such
12 a waiver and inform those committees of the facts and cir-
13 cumstances requiring such a waiver.

14 RESTRICTIONS ON COVERT DOMESTIC PUBLICATIONS

15 SEC. 133. No entity of the intelligence community may
16 pay for or otherwise knowingly cause or support distribution
17 of any book, magazine, article, periodical, film, or video or
18 audio tape, for the purpose of influencing public opinion
19 within the United States, unless the involvement of the
20 United States Government is acknowledged.

21 RESTRICTIONS ON CONTRACTING

22 SEC. 134. Entity sponsorship of a contract or arrange-
23 ment for the provision of goods or services with any United
24 States organization may be concealed from such organization
25 if—

1 (a) the contract or arrangement is a routine serv-
2 ice contract, procurement contract, or transaction car-
3 ried out under the Economy Act (38 Stat. 1084); or

4 (b) the organization is not an educational institu-
5 tion and it is determined, pursuant to procedures ap-
6 proved by the Attorney General, that such conceal-
7 ment is necessary for intelligence activities authorized
8 by this Act.

9 ACTIVITIES UNDERTAKEN INDIRECTLY

10 SEC. 135. No entity of the intelligence community and
11 no employee of an entity of the intelligence community may
12 request or otherwise knowingly encourage, directly or indi-
13 rectly, an individual, organization, or foreign government to
14 engage in any activity on behalf of the United States Govern-
15 ment in which such entity of the intelligence community is
16 prohibited by this Act from engaging: *Provided, however,*
17 That this restriction shall not prohibit any entity of the intel-
18 ligence community from requesting a department or agency
19 of the United States Government to engage in an activity
20 that is within the authorized functions of the department or
21 agency to which the request is made.

1 PART E—OVERSIGHT AND ACCOUNTABILITY
2 INTELLIGENCE OVERSIGHT BOARD; REPORTING ON
3 VIOLATIONS; DISCIPLINARY PROCEDURES

4 SEC. 141. (a) The President shall appoint a board to be
5 known as the Intelligence Oversight Board (hereinafter re-
6 ferred to as the "Board") whose members shall be selected
7 from outside the Government.

8 (b) The Board is authorized to employ staff to assist in
9 carrying out its functions.

10 (c) As prescribed by the President, the Board shall—

11 (1) function to provide the President independent
12 oversight of the intelligence community, in order to
13 report to the President on questions of legality and
14 propriety;

15 (2) be given access to all information relevant to
16 its functions which is in the possession, custody or con-
17 trol of any entity of the intelligence community; and

18 (3) conduct such inquiries into the activities of any
19 entity of the intelligence community as the Board
20 deems necessary to perform its functions.

21 (d) Each entity of the intelligence community shall have
22 a general counsel or a person designated to fulfill the respon-
23 sibilities of a general counsel who shall serve as legal adviser
24 to the head of that entity and shall have the responsibility
25 to—

1 (1) review activities of that entity to determine
2 whether such activities are in conformity with the Con-
3 stitution and laws of the United States, Executive
4 orders, Presidential directives and memoranda, and the
5 rules, regulations, and policies of that entity;

6 (2) review all rules and regulations of that entity,
7 including but not limited to any rule or regulation pro-
8 posed to implement the provisions of this Act, to
9 ensure that such rules and regulations are in conform-
10 ity with the Constitution and laws of the United
11 States, Executive orders, and Presidential directives
12 and memoranda;

13 (3) report to the Board any intelligence matters as
14 specified by the President; and

15 (4) perform such additional duties as the head of
16 that entity may prescribe, consistent with the provi-
17 sions of this Act.

18 (c) Each entity of the intelligence community shall have
19 an inspector general or a person designated to fulfill the re-
20 sponsibilities of an inspector general who shall have the re-
21 sponsibility to—

22 (1) investigate all activities of that entity to deter-
23 mine in what respects authorized functions may more
24 effectively be performed and to determine the facts and
25 circumstances of any alleged wrongdoing;

1 (2) advise the head of that entity and, with re-
2 spect to matters of legality, the general counsel of that
3 entity of findings regarding activities of that entity;

4 (3) report to the Board any intelligence matters as
5 specified by the President; and

6 (4) perform such other investigations as the head
7 of that entity deems necessary, consistent with the pro-
8 visions of this Act.

9 (f) The Attorney General or a designee shall—

10 (1) report, in a timely manner, to the Board any
11 intelligence activity that involves a question as to
12 whether there has been a significant violation of law
13 and which has not been previously reported to the At-
14 torney General by the Board;

15 (2) report to the President in a timely manner any
16 intelligence activities that involve serious questions of
17 law;

18 (3) report to the President, the Board, and the
19 heads of the appropriate entities of the intelligence
20 community, in a timely manner, decisions made or ac-
21 tions taken in response to reports from such entities
22 concerning intelligence activities; and

23 (4) keep the Board and general counsels of enti-
24 ties of the intelligence community informed regarding

1 legal opinions of the Department of Justice affecting
2 the operations of the intelligence community.

3 (g) The head of each entity of the intelligence communi-
4 ty shall—

5 (1) ensure that the inspector general and the gen-
6 eral counsel of that entity have access to any informa-
7 tion necessary to perform their functions under this
8 Act;

9 (2) provide to the Attorney General, in accord-
10 ance with applicable law, any information required by
11 the Attorney General to fulfill the Attorney General's
12 responsibilities under this Act;

13 (3) report to the Attorney General, pursuant to
14 section 535 of title 28, United States Code, immediate-
15 ly upon discovery, evidence of possible violation of
16 Federal criminal law by any person employed by, as-
17 signed to, or acting for, such entity; and

18 (4) report to the Attorney General evidence of
19 possible violations by any other person of those Feder-
20 al criminal laws specified in guidelines adopted by the
21 Attorney General.

22 (h) All officers and employees of each entity of the intel-
23 ligence community shall cooperate fully with the Board, the
24 inspector general and general counsel of that entity, and the
25 Attorney General in the conduct of their authorized func-

1 tions, and in the reporting of any possible violation of law to
2 the head of the entity and the inspector general or general
3 counsel of that entity or the Board. The head of each entity
4 of the intelligence community shall ensure such full coopera-
5 tion. No officer or employee who so reports in good faith or
6 so cooperates shall be subject to adverse personnel action
7 solely on account of such reporting or cooperation.

8 (i)(1) The head of each entity of the intelligence commu-
9 nity shall be empowered to take disciplinary action against
10 any person employed by that entity for any action or omis-
11 sion that violates the provisions of this Act or any guidelines,
12 procedures, or regulations established pursuant to this Act,
13 including any regulation, procedure, or obligation to provide
14 for personnel, document, communications, or physical secu-
15 rity or to protect intelligence sources and methods from un-
16 authorized disclosure. Notwithstanding any other provision of
17 law, such action may include—

18 (A) suspension from employment without pay for
19 a period not to exceed one hundred and eighty days;

20 (B) reduction in salary or grade, or both;

21 (C) dismissal from employment; or

22 (D) a combination of (A) and (B).

23 (2) Before such disciplinary action is taken under this
24 subsection against persons employed by or assigned to an

1 entity of the intelligence community, such persons shall have
2 the opportunity to present evidence on their behalf.

3 (2) Nothing contained in this subsection shall be con-
4 strued to affect or limit the authority of the head of an entity
5 of the intelligence community to terminate the employment of
6 or take disciplinary action against any person employed by or
7 assigned to that entity under any provision of law other than
8 this subsection.

9 CONGRESSIONAL OVERSIGHT

10 SEC. 142. (a) Consistent with all applicable authorities
11 and duties, including those conferred by the Constitution
12 upon the executive and legislative branches, the head of each
13 entity of the intelligence community shall—

14 (1) keep the House Permanent Select Committee
15 on Intelligence and the Senate Select Committee on
16 Intelligence fully and currently informed of all intelli-
17 gence activities which are the responsibility of, are en-
18 gaged in by, or are carried out for or on behalf of, that
19 entity of the intelligence community, including any sig-
20 nificant anticipated intelligence activity; but the forego-
21 ing provision shall not require approval of such com-
22 mittees as a condition precedent to the initiation of any
23 such anticipated intelligence activity;

24 (2) furnish any information or material concerning
25 intelligence activities in the possession, custody, or

1 control of the head of the relevant entity of the intelli-
2 gence community or in the possession, custody, or con-
3 trol of any person paid by such entity whenever re-
4 quested by the House Permanent Select Committee on
5 Intelligence or the Senate Select Committee on Intelli-
6 gence; and

7 (3) report in a timely fashion to the House Per-
8 manent Select Committee on Intelligence and the
9 Senate Select Committee on Intelligence information
10 relating to intelligence activities that are illegal or im-
11 proper and corrective actions that are taken or
12 planned.

13 (b) The head of each entity of the intelligence communi-
14 ty shall maintain a complete record of all legal authorities,
15 published regulations, and published instructions pertaining
16 to the intelligence activities of that entity.

17 (c) The head of each entity of the intelligence communi-
18 ty shall establish procedures to ensure that a record is main-
19 tained and preserved of each authorization or approval re-
20 quired by law, regulation or procedures under section 212
21 with respect to any intelligence activity.

22 (d) The Permanent Select Committee on Intelligence of
23 the House of Representatives and the Select Committee on
24 Intelligence of the Senate shall be furnished copies of all
25 record schedules, which the entities of the intelligence com-

1 munity are required by law to furnish to the Archivist of the
2 United States, including any modifications, amendments or
3 supplements, at such time as these schedules, modifications,
4 amendments, or supplements are submitted to the Archivist
5 for approval.

6 (e) The President may establish such procedures as the
7 President determines may be necessary to carry out the pro-
8 visions of this section.

9 CONGRESSIONAL COMMITTEE REPORTS; DISCLOSURE
10 PROVISIONS

11 SEC. 143. (a) The House Permanent Select Committee
12 on Intelligence and the Senate Select Committee on Intelli-
13 gence shall report, at least annually, to their respective
14 Houses on the nature and extent of the intelligence activities
15 of the United States. Each committee shall promptly call to
16 the attention of its respective House, or to any appropriate
17 committee or committees of its respective House, any matter
18 relating to intelligence activities which requires or should
19 have the attention of such House or such committee or com-
20 mittees. In making such reports, the House Permanent
21 Select Committee on Intelligence and the Senate Select
22 Committee on Intelligence shall do so in a manner consistent
23 with the protection of the national security interests of the
24 United States.

1 (b) No information or material provided to the House
2 Permanent Select Committee on Intelligence or the Senate
3 Select Committee on Intelligence relating to the intelligence
4 activities of any department or agency that has been classi-
5 fied under established security procedures or that was sub-
6 mitted by the executive branch with the request that such
7 information or material be kept confidential shall be made
8 public by the House Permanent Select Committee on Intelli-
9 gence or the Senate Select Committee on Intelligence or any
10 member thereof, except in accordance with the provisions of
11 H. Res. 658 of the Ninety-fifth Congress in the case of the
12 House Permanent Select Committee on Intelligence and its
13 members, or in accordance with the provisions of S. Res. 400
14 of the Ninety-fourth Congress in the case of the Senate
15 Select Committee on Intelligence and its members.

16 (e)(1) The House Permanent Select Committee on Intel-
17 ligence shall, under such regulations as that committee shall
18 prescribe, make any information described in subsection (a) or
19 (b) available to any other committee or any other Member of
20 the House. Whenever the House Permanent Select Commit-
21 tee on Intelligence makes such information available, that
22 committee shall keep a written record showing which com-
23 mittee or which Members of the House received such infor-
24 mation. No Member of the House who, and no committee
25 which, receives such information under this paragraph shall

1 disclose such information except in accordance with the pro-
2 visions of H. Res. 658 of the Ninety-fifth Congress.

3 (2) The Senate Select Committee on Intelligence may,
4 under such regulations as that committee shall prescribe to
5 protect the confidentiality of such information, make any in-
6 formation described in subsection (a) or (b) available to any
7 other committee or any other Member of the Senate. When-
8 ever the Senate Select Committee on Intelligence makes
9 such information available, the committee shall keep a writ-
10 ten record showing which committee or which Members of
11 the Senate received such information. No Member of the
12 Senate who, and no committee which, receives any informa-
13 tion under this paragraph, shall disclose such information
14 except in accordance with the provisions of S. Res. 400 of
15 the Ninety-fourth Congress.

16 (d) No employee of the House Permanent Select Com-
17 mittee on Intelligence or the Senate Select Committee on
18 Intelligence, or of any committee to which information is pro-
19 vided pursuant to subsection (c), or any person engaged by
20 contract or otherwise to perform services for or at the re-
21 quest of such committee shall be given access to any classi-
22 fied information by such committee unless such employee or
23 person has (1) agreed in writing and under oath to be bound
24 by the rules of the House or the Senate, as the case may be,
25 and of such committees as to the security of such information

1 during and after the period of his employment or contractual
2 agreement with such committees; and (2) received an appro-
3 priate security clearance as determined by such committee in
4 consultation with the Director of National Intelligence. The
5 type of security clearance to be required in the case of any
6 such employee or person shall, within the determination of
7 such committees in consultation with the Director of National
8 Intelligence be commensurate with the sensitivity of the clas-
9 sified information to which such employee or person will be
10 given access by such committees.

11 (c) The provisions of subsections (a), (b), and (c) are en-
12 acted by the Congress—

13 (1) as an exercise of the rulemaking power of the
14 House of Representatives and the Senate, respectively,
15 and as such they shall be considered as part of the
16 rules of each House, respectively, and shall supersede
17 other rules only to the extent that they are inconsistent
18 therewith; and

19 (2) with full recognition of the constitutional right
20 of either House to change such rules (as far as relating
21 to such House) at any time, in the same manner, and
22 to the same extent as in the case of any other rule of
23 such House.

1 REQUIREMENTS RELATING TO APPROPRIATIONS FOR NA-
2 TIONAL INTELLIGENCE, COUNTERINTELLIGENCE, AND
3 COUNTERTERRORISM INTELLIGENCE ACTIVITIES

4 SEC. 144. No funds may be appropriated for any fiscal
5 year beginning after September 30, 1980, for the purpose of
6 carrying out any national intelligence activity, counterintelli-
7 gence activity, or counterterrorism intelligence activity by
8 any entity of the intelligence community unless funds for such
9 activity have been previously authorized by legislation en-
10 acted during the same fiscal year or during one of the two
11 immediately preceding fiscal years, except that this limitation
12 shall not apply to funds appropriated by any continuing reso-
13 lution or required by pay raises.

14 AUDITS AND REVIEWS BY THE COMPTROLLER GENERAL

15 SEC. 145. (a) All funds appropriated to the Office of the
16 Director, all funds appropriated to entities of the intelligence
17 community, and all intelligence activities conducted by enti-
18 ties of the intelligence community, and information and mate-
19 rials relating thereto, shall be subject to financial and pro-
20 gram management audit and review by the Comptroller Gen-
21 eral of the United States, upon the request of the House
22 Permanent Select Committee on Intelligence or the Senate
23 Select Committee on Intelligence.

24 (b) Any other committee of the Congress may request
25 financial and program management audits and reviews by the

1 Comptroller General of the United States of any intelligence
2 activity over which such committee has legislative jurisdic-
3 tion, but only through and with the approval of the House
4 Permanent Select Committee on Intelligence or the Senate
5 Select Committee on Intelligence. The results of any such
6 audit or review shall be submitted to (1) the House Perma-
7 nent Select Committee on Intelligence, in the case of any
8 audit or review requested by a committee of the House of
9 Representatives, and shall be made available by such select
10 committee, in accordance with and subject to the provisions
11 of section 143 of this Act, to the committee of the House of
12 Representatives which requested such audit or review, and
13 (2) the Senate Select Committee on Intelligence in the case
14 of any audit or review requested by a committee of the
15 Senate, and shall be made available by such select commit-
16 tee, in accordance with and subject to the provisions of sec-
17 tion 143 of this Act, to the committee of the Senate which
18 requested such audit or review.

19 (c) Any audit or review of any intelligence activity au-
20 thorized in subsection (a) or (b) above shall be conducted in
21 accordance with such security standards as may be pre-
22 scribed by the Director.

23 (d) Notwithstanding the foregoing provisions of this sub-
24 section, the Director may exempt from any such audit and
25 review any funds expended for a particular intelligence activ-

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1 ity, and the activity for which such funds are expended, if the
2 Director (1) determines such exemption to be essential to
3 protect the security of the United States, and (2) notifies the
4 House Permanent Select Committee on Intelligence and the
5 Senate Select Committee on Intelligence of such exemption.

6 TITLE II—STANDARDS FOR INTELLIGENCE

7 ACTIVITIES

8 PART A—PURPOSES AND DEFINITIONS

9 STATEMENT OF PURPOSES

10 SEC. 201. It is the purpose of this title—

11 (a) to provide statutory authorization for activities
12 of entities of the intelligence community that concern
13 United States persons and that are necessary for the
14 conduct of the foreign relations or the protection of the
15 national security of the United States;

16 (b) to establish statutory standards for such activi-
17 ties and effective means to ensure that such activities
18 are conducted in accordance with those standards; and

19 (c) to delineate responsibilities of government offi-
20 cials for ensuring that such activities are conducted in
21 accordance with the Constitution and laws of the
22 United States.

2 SEC. 202. (a) The definitions in title I of this Act shall
3 apply to this title. References to law within this title are to
4 the laws of the United States.

(1) The term "collecting agency" means, with respect to information, the department or agency that collects the information.

(2) The term "directed collection" means obtaining information that concerns a United States person by requesting or directing any person to acquire such information through exploiting or developing a relationship with a United States person without disclosing that the information will be conveyed to an intelligence entity. This term does not include placing of employees under section 214(b).

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1 (5) The term "extraordinary technique" means
2 foreign electronic surveillance and foreign physical
3 search and any other technique directed against a
4 United States person for which a warrant would be re-
5 quired if undertaken for law enforcement purposes in
6 the United States, but does not include electronic sur-
7 veillance or physical search under the Foreign Intelli-
8 gence Search and Surveillance Act (92 Stat. 1783), as
9 amended.

10 (6) The term "foreign electronic surveillance"
11 means the acquisition by an electronic, mechanical, or
12 other surveillance device of the contents of any wire,
13 oral, or radio communication of a particular, known
14 United States person who is outside the United States,
15 if the contents are acquired by intentionally targeting
16 that United States person, or the use of an electronic,
17 mechanical, or other surveillance device to monitor the
18 activities of a particular, known United States person
19 who is outside the United States, in circumstances in
20 which a court order would be required under the For-
21 eign Intelligence Search and Surveillance Act (92 Stat.
22 1783), as amended, if undertaken within the United
23 States, but does not include electronic surveillance as
24 defined in that Act.

1 (7) The term "foreign physical search" means any
2 search directed against a United States person who is
3 outside the United States or the property of a United
4 States person that is located outside the United States
5 and any opening of mail outside the United States and
6 outside United States postal channels of a known
7 United States person under circumstances in which a
8 court order under the Foreign Intelligence Search and
9 Surveillance Act, (92 Stat. 1783), as amended, would
10 be required in the United States.

11 (8) The term "foreign power" means—

12 (A) a foreign government or any component
13 thereof, whether or not recognized by the United
14 States;

15 (B) a faction of a foreign nation or nations
16 not substantially composed of United States per-
17 sons;

18 (C) an entity that is known to be directed
19 and controlled by a foreign government or govern-
20 ments;

21 (D) a group engaged in international terrorist
22 activity or activities in preparation therefor;

23 (E) a foreign-based political organization, not
24 substantially composed of United States persons.

1 (9) The term "mail cover" means systematic and
2 deliberate inspection and recording of information ap-
3 pearing on the exterior of envelopes in the mails.

4 (10) The term "minimization procedures", with
5 respect to extraordinary techniques, means specific pro-
6 cedures which shall be adopted by the Attorney Gener-
7 al in consultation with the head of an entity of the in-
8 telligence community and the Director of National In-
9 telligence—

10 (A) that are reasonably designed in light of
11 the purpose of a particular technique to minimize
12 the acquisition and retention and to prohibit the
13 dissemination of nonpublicly available information
14 concerning unconsenting United States persons;
15 consistent with the need of the United States to
16 obtain, produce, and disseminate intelligence; and

17 (B) under which foreign intelligence that is
18 not publicly available may be disseminated in a
19 manner that identifies a United States person,
20 without such person's consent, only if such per-
21 son's identity is necessary to understand that for-
22 eign intelligence or to assess its importance, pro-
23 vided that information that is evidence of a crime
24 may be disseminated for law enforcement pur-
25 poses.

1 (11) "Physical surveillance" means an unconsent-
2 ed, systematic and deliberate observation of a person
3 by any means on a continuing basis, or unconsented
4 acquisition of a nonpublic communication by a person
5 not a party thereto or visibly present thereat, through
6 any means not involving electronic surveillance.

7 PART B—AUTHORITY AND STANDARDS FOR ACTIVITIES
8 THAT CONCERN UNITED STATES PERSONS
9 AUTHORITY FOR ACTIVITIES THAT CONCERN UNITED
10 STATES PERSONS

11 SEC. 211. (a) An entity of the intelligence community
12 may engage in the following activities only in accordance
13 with this title and only to fulfill a lawful function of that
14 entity:

15 (1) collection, retention, or dissemination of intelli-
16 gence concerning United States persons;

17 (2) any other intelligence activities directed
18 against United States persons;

19 (3) collection, retention, or dissemination of infor-
20 mation concerning United States persons who are tar-
21 gets of clandestine intelligence gathering activities of a
22 foreign government;

23 (4) collection, retention, or dissemination of infor-
24 mation concerning United States persons to determine

1 the suitability or credibility of potential sources of in-
2 telligence or operational assistance;

3 (5) collection, retention, or dissemination of infor-
4 mation concerning United States persons to provide
5 personnel, document, communications or physical secu-
6 rity for intelligence activities.

7 (b) Information concerning any United States person
8 may be collected, retained and disseminated, and intelligence
9 activities may be directed against any United States person,
10 by an entity of the intelligence community using any tech-
11 nique with the consent of that person.

12 (c) Publicly available information concerning any United
13 States person may be collected by an entity of the intelli-
14 gence community when such information is relevant to a
15 lawful function of that entity, and may be retained and dis-
16 seminated for lawful governmental purposes.

17 (d) Information concerning any United States person
18 may be retained and disseminated by an entity of the intelli-
19 gence community if the information does not identify that
20 person.

21 (e) Information concerning a United States person col-
22 lected by a means or in a manner prohibited by this Act shall
23 be destroyed as soon as feasible after recognition and may
24 not be disseminated unless the head of the collecting agency
25 or a designee determines that the information—

1 (1) should be retained for purposes of oversight,
2 accountability or redress;

3 (2) evidences danger to the physical safety of any
4 person; provided that dissemination is limited to that
5 deemed necessary to protect against such danger and
6 the Attorney General or a designee is notified in a
7 timely manner; or

8 (3) is required by law to be retained or dissemi-
9 nated for any administrative, civil, or criminal proceed-
10 ing of which the collecting agency has prior notice:
11 *Provided*, That dissemination is limited to that neces-
12 sary for such proceeding.

13 (f) Nothing in this Act shall affect the use by an entity of
14 the intelligence community of security guards, access con-
15 trols, requirements for identification credentials, or inspection
16 of material carried by persons entering or leaving its installa-
17 tions as measures to protect the security of its personnel;
18 installations, activities, equipment, or classified information.

19 (g) Nothing in this Act shall be construed to prohibit
20 voluntary provision of information to an entity of the intelli-
21 gence community by any person not employed by or assigned
22 to that entity.

23 (h) Nothing in this part shall prohibit, limit, or otherwise
24 affect activities of any department or agency other than ac-
25 tivities described in subsection (a).

1 PROCEDURES

2 SEC. 212. (a) Except as authorized by subsections 211
3 (b) through (d) of this title, activities described in subsection
4 211(a) may not be conducted by an entity of the intelligence
5 community unless permitted by procedures established by the
6 head of that entity and approved by the Attorney General.
7 Those procedures shall—

8 (1) protect constitutional rights and privacy;

9 (2) designate officials authorized to initiate or ap-
10 prove particular activities, provide for periodic review
11 of activities at timely intervals by designated officials,
12 and ensure that records are maintained of all approvals
13 required by such procedures and this title for particular
14 activities;

15 (3) be reasonably designed in light of the purpose
16 of a particular technique to minimize the acquisition
17 and retention and to prohibit the dissemination of infor-
18 mation concerning United States persons, consistent
19 with the need of the United States to obtain, produce,
20 and disseminate information for lawful governmental
21 purposes;

22 (4) prohibit dissemination of foreign intelligence in
23 a manner that identifies a United States person unless
24 such person's identity is necessary to understand that
25 intelligence or assess its importance: *Provided, That*

1 information that is evidence of a crime may be dissemi-
2 nated for law enforcement purposes;

3 (5) prescribe reasonable requirements for the
4 scope, intensity, and duration of particular types of ac-
5 tivities taking into account the nature and quality of in-
6 formation on which the activity is based and the impor-
7 tance of the intended United States objective;

8 (6) ensure that activities to collect information
9 that are directed against any United States person are
10 conducted with minimal intrusion consistent with the
11 need to acquire information of the nature, reliability
12 and timeliness that is required;

13 (7) implement the determinations by the President
14 regarding covert techniques under section 202(b)(2);
15 and

16 (8) govern the conduct of employees under cover
17 engaged in activities within the United States or di-
18 rected against United States persons abroad.

19 (b) The head of the entity shall make such procedures
20 and any changes thereto available to the House Permanent
21 Select Committee on Intelligence and the Senate Select
22 Committee on Intelligence a reasonable time prior to their
23 effective date, unless the Attorney General determines imme-
24 diate action is required and notifies the committees immedi-

1 ately of such procedures and the reason for their becoming
2 effective immediately.

3 **COLLECTION OF FOREIGN INTELLIGENCE**

4 **SEC. 213.** (a) Collection of foreign intelligence by means
5 of covert techniques shall not be directed against United
6 States persons, except in the course of collection of counter-
7 intelligence or counterterrorism intelligence, or in extraordi-
8 nary cases when authorized in accordance with this section.

9 (b)(1) Except as provided in subsection (c), approval for
10 any collection of foreign intelligence by means of covert tech-
11 niques directed against a United States person shall be based
12 on a finding by the President that extraordinary circum-
13 stances require such collection to acquire foreign intelligence
14 that is essential to the national security of the United States
15 and that cannot reasonably be acquired by other means.

16 (2) Approval for any such collection shall be preceded
17 by a review by the National Security Council or a committee
18 thereof designated by the President for that purpose. No rec-
19 ommendation to the President relating to any such collection
20 may be made unless the following officers, or if unavailable
21 their representatives, were present: the Secretary of State,
22 the Secretary of Defense, the Attorney General, and the Di-
23 rector of National Intelligence.

24 (3) Any collection under this subsection which lasts
25 more than a year or which is substantially changed in pur-

1 pose must be reaffirmed by the President under paragraph (1)
2 and reviewed by the National Security Council or a commit-
3 tee thereof under paragraph (2).

4 (c)(1) Approval for collection of foreign intelligence in-
5 volving covert techniques directed against a United States
6 person may be based on a finding by an official designated by
7 the President that the target is a senior official of a foreign
8 power, an unincorporated association substantially composed
9 of United States citizens or permanent resident aliens direct-
10 ed and controlled by a foreign government or governments,
11 or any other entity directed and controlled by a foreign power
12 and that unusual circumstances require such collection to ac-
13 quire foreign intelligence that is important to the national
14 security of the United States and that cannot reasonably be
15 acquired by other means.

16 (2) The Attorney General shall be advised of any collec-
17 tion conducted under this subsection, and the National Secu-
18 rity Council or the committee thereof designated by the
19 President under subsection (b) shall review periodically any
20 collection conducted under this subsection.

21 (d) Foreign intelligence may be collected within the
22 United States by clandestine means directed against uncon-
23 senting United States persons who are within the United
24 States only by the Federal Bureau of Investigation, with
25 notice to the Attorney General or a designee by components

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1 of the military services when directed against persons subject
2 to the Uniform Code of Military Justice (10 U.S.C. 802, Art.
3 2, (1) through (10)); by the National Security Agency when
4 directed at foreign electromagnetic communications, as de-
5 fined in section 602(b)(5); or, when collection is authorized
6 under subsection (c) and approved by the Attorney General,
7 by the Central Intelligence Agency through established
8 sources and pretext interviews.

9 COUNTERINTELLIGENCE AND COUNTERTERRORISM

10 INTELLIGENCE ACTIVITIES

11 SEC. 214. (a) Counterintelligence and counterterrorism
12 intelligence activities may be directed against United States
13 persons without the consent of the United States person con-
14 cerned only on the basis of facts or circumstances which rea-
15 sonably indicate that the person is or may be engaged in
16 clandestine intelligence activities on behalf of a foreign power
17 or international terrorist activity.

18 (b) Counterintelligence and counterterrorism intelligence
19 may be collected by placing employees in an organization in
20 the United States or substantially composed of United States
21 persons, only if—

22 (1) a designated senior official of the entity makes
23 a written finding that such participation is necessary to
24 achieve significant intelligence objectives and meets the

1 requirements of the procedures established under sec-
2 tion 212; and

3 (2) independent means are created in the proce-
4 dures established under section 212 for audit and in-
5 spection of such participation.

6 (c) Counterintelligence and counterterrorism intelligence
7 may be collected through the use against a United States
8 person of mail covers, physical surveillance for purposes
9 other than identification, recruitment of persons to engage in
10 directed collection, or access to the records of a financial in-
11 stitution, as defined in section 1101 of the Right to Financial
12 Privacy Act of 1978, only if an official designated pursuant
13 to the procedures established under section 212 makes a
14 written finding that the use of such technique or techniques is
15 necessary to achieve authorized intelligence objectives and
16 meets the requirements of the procedures established pursu-
17 ant to section 212.

18 (d) The Attorney General or a designee shall be notified
19 of findings under subsections (b) and (c) with respect to coun-
20 terintelligence or counterterrorism intelligence activities
21 which the entity, based on guidelines established by the At-
22 torney General, concludes may involve significant collection
23 of information concerning political or religious activity.

1 COLLECTION OF INFORMATION CONCERNING TARGETS OF
2 CLANDESTINE INTELLIGENCE GATHERING ACTIVITY
3 OF FOREIGN GOVERNMENTS

4 SEC. 215. Information concerning United States per-
5 sons may be collected without the consent of the United
6 States person concerned if an official designated pursuant to
7 the procedures established under section 212 makes a written
8 finding with notice to the Attorney General or a designee
9 that the person is the target of clandestine intelligence gath-
10 ering activity of a foreign government and such collection is
11 necessary for counterintelligence purposes and meets the re-
12 quirements of the procedures established pursuant to section
13 212. Covert techniques and mail covers may not be directed
14 against unconsenting United States persons for collection
15 under this section.

16 COLLECTION OF INFORMATION CONCERNING POTENTIAL
17 SOURCES OF INTELLIGENCE OR OPERATIONAL AS-
18 SISTANCE

19 SEC. 216. Information concerning persons who are under
20 consideration as potential sources of intelligence or oper-
21 ational assistance may be collected, without the consent of a
22 United States person against whom such collection is direct-
23 ed, only in accordance with procedures established under sec-
24 tion 212 which shall limit the scope, intensity and duration of
25 such collection to that necessary to determine in a timely

1 manner the suitability or credibility of the potential source.
2 Such collection shall be limited to interviews, physical sur-
3 veillance for purposes of identification, checks of Federal,
4 State, or local government records, and other techniques ap-
5 proved by the head of the collecting agency or a designee
6 with notice to the Attorney General or a designee, except
7 that covert techniques and mail covers may not be directed
8 against unconsenting United States persons for such
9 collection.

10 COLLECTION OF INFORMATION FOR SECURITY PURPOSES.

11 SEC. 217. (a) Information may be collected to provide
12 personnel, document, communication, or physical security for
13 intelligence activities, without the consent of a United States
14 person against whom such collection is directed, only in ac-
15 cordance with procedures established under section 212
16 which shall govern the categories of persons who may be
17 subjects of such collection by particular agencies, and which
18 shall limit the scope, intensity, duration, and targets of such
19 collection to that required—

20 (1) to determine the suitability or trustworthiness
21 of employees, contractors and contractor employees
22 who will perform work in connection with an agency
23 contract, applicants for contractor status, persons em-
24 ployed by proprietaries, or applicants for employment
25 or for access to classified information or facilities, con-

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1 sultants, or persons detailed or assigned to an entity,
2 when requesting the consent of the person against
3 whom the collection is directed would jeopardize the
4 security of an intelligence activity;

5 (2) to protect against breaches of security regula-
6 tions or contractual obligations applicable to persons
7 described in paragraph (1), except that such collection
8 shall be limited to that necessary to refer the matter to
9 the Department of Justice;

10 (3) to protect against a direct or imminent threat
11 that may be posed by the activities of that person to
12 the physical safety of personnel, installations, property,
13 documents, or other materials related to intelligence
14 activities, except that such collection within the United
15 States shall be limited to that necessary to refer the
16 matter to an appropriate law enforcement agency; and

17 (4) to determine whether proposed intelligence ac-
18 tivity sites meet appropriate physical security require-
19 ments.

20 (b) Covert techniques and mail covers may not be direct-
21 ed against unconsenting United States persons for collection
22 under this section. Information may be collected under this
23 section by clandestine means directed against unconsenting
24 United States persons only if an official designated pursuant
25 to the procedures established under section 212 makes a

1 written finding that the use of such means is necessary for
2 authorized security purposes and meets the requirements of
3 the procedures established pursuant to section 212.

4 REVIEW OF ACTIVITIES

5 SEC. 218. Activities directed against particular United
6 States persons that are authorized pursuant to sections 213
7 through 217 of this part for longer than one year shall be
8 reviewed at least annually by the head of the entity or a
9 designee. Except for collection of information under section
10 217 concerning employees of an entity, a report of such
11 review shall be submitted to the Attorney General or a desig-
12 nee or, for activities by components of the military services
13 directed against persons subject to the Uniform Code of Mili-
14 tary Justice (10 U.S.C. 803, Art. 2 (1) through (10)), to the
15 appropriate service Secretary or a designee.

16 PART C—STANDARDS FOR EXTRAORDINARY TECHNIQUES
17

18 USE OF EXTRAORDINARY TECHNIQUES OUTSIDE THE
19 UNITED STATES

20 SEC. 221. (a) Extraordinary techniques may not be di-
21 rected against a United States person outside the United
22 States for the purposes of collecting intelligence, except pur-
23 suant to court order.

24 (b) Applications for an order from the court established
25 pursuant to the Foreign Intelligence Search and Surveillance

1 Act (92 Stat. 1783), as amended, are authorized and, not
2 withstanding any other law, a judge to whom an application
3 is made pursuant to this section may grant an order approv-
4 ing the use of an extraordinary technique directed against a
5 United States person outside the United States to collect
6 intelligence.

7 (e) An order approving the use of an extraordinary tech-
8 nique pursuant to this section to collect foreign intelligence
9 shall be granted if the court finds that—

10 (1) the Attorney General has certified in writing
11 that the proposed use of an extraordinary technique
12 against the United States person has been approved in
13 accordance with section 213 of this title to collect for-
14 eign intelligence;

15 (2) the information sought is foreign intelligence;

16 (3) there is probable cause to believe that the
17 United States person against whom the extraordinary
18 technique is to be directed is in possession of, or, in
19 addition with respect to foreign electronic surveillance,
20 is about to receive, the information sought;

21 (4) less intrusive means cannot reasonably be ex-
22 pected to acquire intelligence of the nature, reliability
23 and timeliness that is required; and

1 (5) the proposed minimization procedures meet the
2 definition of minimization procedures under section
3 202(b)(10) of this title.

4 (d) An order approving the use of an extraordinary tech-
5 nique pursuant to this section to collect counterintelligence or
6 counterterrorism intelligence shall be granted if the court
7 finds that—

8 (1) significant counterintelligence or counterterror-
9 ism intelligence is likely to be obtained from the pro-
10 posed use of an extraordinary technique against the
11 United States person;

12 (2) there is probable cause to believe that the
13 United States person against whom the extraordinary
14 technique is to be directed engages or is about to
15 engage in clandestine intelligence activities on behalf of
16 a foreign power, international terrorist activity, or ac-
17 tivities in furtherance thereof;

18 (3) less intrusive means cannot reasonably be ex-
19 pected to acquire intelligence of the nature, reliability
20 and timeliness that is required; and

21 (4) the proposed minimization procedures meet the
22 definition of such procedures under section 202(b)(10)
23 of this title.

24 (e) The order of the court approving such use of an ex-
25 traordinary technique shall be in writing and shall—

1 (1) specify the identity, if known, or a description
2 of the United States person against whom the extraor-
3 dinary technique is to be directed;

4 (2) specify the nature and location of the property,
5 communications or activity to be the subject of the use
6 of the extraordinary technique and state whether physi-
7 cal entry may be involved;

8 (3) specify a reasonable period, not to exceed
9 ninety days, during which the use of an extraordinary
10 technique is authorized: *Provided*, That no order shall
11 authorize more than one unconsented entry into real
12 property except for entries to install, repair, or remove
13 surveillance devices; and

14 (4) direct that minimization procedures be fol-
15 lowed.

16 (f) Extensions of an order issued under this section may
17 be granted on the same basis as an original order upon an
18 application for an extension and new findings made in the
19 same manner as required for an initial order.

20 (g) The procedural, administrative, and security provi-
21 sions established under the Foreign Intelligence Search and
22 Surveillance Act (92 Stat. 1783), as amended, shall be ob-
23 served by the court considering applications for use of ex-
24 traordinary techniques under this section. The provisions of
25 that Act with respect to use of information, wartime author-

1 ity, and congressional oversight shall apply to the use of ex-
2 traordinary techniques under this section.

3 (h) The court of review established pursuant to section
4 103(b) of the Foreign Intelligence Search and Surveillance
5 Act (92 Stat. 1783), shall have jurisdiction to hear appeals
6 from decisions with respect to applications for use of extraor-
7 dinary techniques under this section. Decisions of the court of
8 review shall be subject to review by the Supreme Court of
9 the United States as provided in that Act.

10 (i) Use of extraordinary techniques by military compo-
11 nents directed against United States persons outside the
12 United States who are subject to the Uniform Code of Mili-
13 tary Justice (10 U.S.C. 802, Art. 2, (1) through (10)), may
14 be authorized pursuant to an order issued in conformance
15 with subsections (e) through (f) of this section by a military
16 judge appointed under the Uniform Code of Military Justice
17 and designated by the Secretary of Defense. The Attorney
18 General shall be informed in a timely manner of all applica-
19 tions and orders under this subsection. The procedural, ad-
20 ministrative, and security provisions established under the
21 Foreign Intelligence Search and Surveillance Act (92 Stat.
22 1783), as amended, shall be observed by a military judge
23 considering applications for use of extraordinary techniques
24 under this section, except that security measures may be es-
25 tablished by the Secretary of Defense.

1 COOPERATIVE ARRANGEMENTS

2 SEC. 222. (a) Notwithstanding the provisions of this
3 title, no agency, Federal officer or employee may be required
4 in connection with any proceeding under section 221 to dis-
5 close to a court information concerning any cooperative or
6 liaison relationship that any agency of the United States
7 Government may have with any foreign government or com-
8 ponent thereof: *Provided*, That the Director of National
9 Intelligence has determined that such disclosure would
10 jeopardize such relationship.

11 (b) In any case in which a determination of facts related
12 to a finding of probable cause under section 221 (c)(3) or
13 (d)(2) would require disclosure of information protected by
14 this section, the Attorney General may submit a certification
15 of facts to the court based on a determination by the Attor-
16 ney General that the information reliably supports such certi-
17 fication of facts and is protected from disclosure by this sec-
18 tion. The court may require disclosure of any information re-
19 lating to a finding of probable cause under section 221 (c)(3)
20 or (d)(2) which does not disclose information protected by this
21 section. In any case in which the Attorney General has sub-
22 mitted such a certification of facts, the court shall base its
23 finding of probable cause under section 221 (c)(3) or (d)(2) on
24 such certification of facts and on any other information relat-
25 ing to the finding which is not protected by this section. The

1 court shall not refuse to make a finding of probable cause
2 under section 221 (c)(2) or (d)(2) because information protect-
3 ed by this section has been withheld.

4 EMERGENCY PROCEDURES

5 SEC. 223. Activities that require approval under section
6 213 or a court order under section 221 of this title may be
7 conducted without such approval or court order for a period
8 not longer than seventy-two hours: *Provided, That—*

9 (a) the head of the entity of the intelligence com-
10 munity, or the senior agency official, or the senior mili-
11 tary officer authorized to act in such cases, in the
12 country in which the activity is to be conducted, ap-
13 proves the activity and determines that—

14 (1) an emergency situation exists such that
15 the activity is required before such approval or
16 court order could be obtained with due diligence;
17 and

18 (2) the factual basis for such approval or
19 court order exists;

20 (b) an application for such approval or court order
21 shall be made within seventy-two hours of the initi-
22 ation of the activity;

23 (c) the activity shall be terminated when the infor-
24 mation sought is obtained; when the application for
25 such approval or court order is denied; or upon the ex-

1 piration of the seventy-two hour period without such
2 approval or issuance of a court order, whichever occurs
3 first; and

4 (d) information concerning a United States person
5 obtained through the activity before an application for
6 such approval or court order is granted or denied shall
7 be treated in accordance with minimization procedures
8 and shall be treated in accordance with section 211(e)
9 of this title if the application is denied.

10 PART D—REMEDIES AND SANCTIONS; OTHER

11 PROVISIONS

12 CRIMINAL SANCTIONS

13 SEC. 231. (a) Any employee of the United States who
14 intentionally—

15 (1) engages in foreign electronic surveillance or
16 foreign physical search under color of law except as
17 authorized by statute; or

18 (2) discloses or uses information obtained under
19 color of law by foreign electronic surveillance or for-
20 eign physical search knowing or having reason to know
21 the information was obtained through foreign electronic
22 surveillance or foreign physical search engaged in by
23 any employee of the United States and not authorized
24 by statute, shall be guilty of an offense under this Act.

1 (b) It is a defense to a prosecution under subsection (a)
2 that the defendant was an employee of the United States
3 engaged in the course of official duties and the foreign elec-
4 tronic surveillance or foreign physical search was authorized
5 by and conducted pursuant to a court order or search warrant
6 issued by a court of competent jurisdiction. It is also a de-
7 fense to prosecution that, at the time of the activity, the de-
8 fendant was a law enforcement officer engaged in the course
9 of official duties and there was no statute or established judi-
10 cial procedure governing authorizations for the type of sur-
11 veillance or search involved.

12 (c) An offense described in subsection (a) is punishable
13 by a fine of not more than \$10,000, or imprisonment for not
14 more than five years, or both.

15 (d) There is Federal jurisdiction over an offense under
16 this section if the person committing the offense was an offi-
17 cer or employee of the United States at the time the offense
18 was committed.

19 CIVIL LIABILITY AND JURISDICTION

20 SEC. 232. (a) Any aggrieved person, other than a for-
21 eign power, as defined in section 101(a) of the Foreign Intel-
22 ligence Surveillance Act of 1978, or an agent of a foreign
23 power, as defined in section 101(b)(1)(A) of the Foreign Intel-
24 ligence Surveillance Act of 1978 but regardless of whether
25 the agency occurs within or outside of the United States,

1 who has been subjected to a foreign electronic surveillance or
2 whose property has been the subject of a foreign physical
3 search, or about whom information obtained by foreign elec-
4 tronic surveillance of such person or foreign physical search
5 of such property has been disclosed or used, in violation of
6 section 231 shall have a cause of action against any person
7 who committed such violation and shall be entitled to
8 recover—

9 (1) actual damages, but not less than liquidated
10 damages of \$1,000 or \$100 per day for each day of
11 violation, whichever is greater;

12 (2) punitive damages; and

13 (3) reasonable attorney's fees and other investiga-
14 tion and litigation costs reasonably incurred.

15 (b) The district courts of the United States shall have
16 original jurisdiction over all civil actions for money damages
17 under this section.

18 (c) Except as provided in this section, nothing in this
19 title, or in any guidelines or procedures established pursuant
20 to this title, creates a civil cause of action for equitable relief
21 against the United States or a civil cause of action against
22 any officer, agent, or employee or former officer, agent, or
23 employee of the United States Government not otherwise
24 available under the Constitution or laws of the United States.

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1 (d) Except as provided in this section and section
2 221(g), nothing in this Act or in any guidelines or procedures
3 established pursuant to this Act creates any substantive or
4 procedural right and no court has jurisdiction over a claim in
5 any proceeding, including a motion to quash a subpoena, sup-
6 press evidence, or dismiss an indictment based solely on an
7 alleged failure to follow a provision of this Act or of guide-
8 lines or procedures established pursuant to this Act.

9 PROTECTION OF PRIVILEGED COMMUNICATIONS

10 SEC. 223. No otherwise privileged communications or
11 information shall lose its privileged character as a conse-
12 quence of this Act.

13 ADMINISTRATIVE RULEMAKING

14 SEC. 234. The Director of National Intelligence and the
15 head of each entity of the intelligence community shall, in
16 appropriate consultation with the Attorney General, promul-
17 gate regulations necessary to carry out the provisions of this
18 Act. Any promulgation of a standard, rule, regulation, or
19 procedure to implement this title shall be exempt from the
20 provisions of section 552 of title 5, United States Code.

21 TITLE III—THE INTELLIGENCE COMMUNITY

22 PURPOSES

23 SEC. 301. It is the purpose of this title—

24 (a) to provide for the appointment of a Director of
25 National Intelligence, to delineate the responsibilities

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1 of such Director, and to confer on such Director the
2 authority necessary to fulfill those responsibilities;

3 (b) to ensure that the national intelligence activi-
4 ties of the entities of the intelligence community are
5 properly and effectively directed, regulated, coordinat-
6 ed, and administered, and

7 (c) to ensure that the Director of National Intelli-
8 gence is accountable to the President, the Congress,
9 and the people of the United States, and that the na-
10 tional intelligence activities of the entities of the intelli-
11 gence community are conducted in a manner consistent
12 with the Constitution and laws of the United States.

13 PRESIDENTIAL DESIGNATION OF NATIONAL INTELLIGENCE
14 ACTIVITIES

15 SEC. 302. The President shall determine from time to
16 time which foreign intelligence activities, if any, in addition
17 to those specifically defined as national intelligence activities
18 by this Act, shall constitute national intelligence activities for
19 the purposes of this title.

20 DIRECTOR AND DEPUTY DIRECTOR OF NATIONAL
21 INTELLIGENCE

22 SEC. 303. (a) There is established in the executive
23 branch of the Government an independent establishment to
24 be known as the "Office of the Director of National Intelli-
25 gence" (hereinafter in this title referred to as the "Office of

1 the Director"). There shall be at the head of the Office of the
2 Director a Director of National Intelligence (hereinafter in
3 this part referred to as the "Director"). There shall be a
4 Deputy Director of National Intelligence (hereinafter in this
5 part referred to as the "Deputy Director") to assist the Di-
6 rector in carrying out the Director's functions under this Act.

7 (b) The Director and the Deputy Director shall be ap-
8 pointed by the President, by and with the advice and consent
9 of the Senate. The Director and the Deputy Director shall
10 each serve at the pleasure of the President. No person may
11 serve as Director for more than ten years or as Deputy Di-
12 rector for more than ten years.

13 (c) At no time shall the two offices of Director and
14 Deputy Director be occupied simultaneously by commis-
15 sioned officers of the Armed Forces whether in an active or
16 retired status.

17 (d)(1) If a commissioned officer of the Armed Forces is
18 appointed as Director or Deputy Director, then—

19 (A) in the performance of the duties of Director or
20 Deputy Director, as the case may be, the officer shall
21 be subject to no supervision, control, restriction, or
22 prohibition of the Department of Defense, the military
23 departments, or the Armed Forces of the United States
24 or any component thereof; and

1 (B) that officer shall not possess or exercise any
2 supervision, control, powers, or functions (other than
3 those authorized to that officer as Director or Deputy
4 Director) with respect to the Department of Defense,
5 the military departments, or the Armed Forces of the
6 United States or any component thereof, or with re-
7 spect to any of the personnel (military or civilian) of
8 any of the foregoing.

9 (2) Except as provided in this section, the appointment
10 to the office of Director or Deputy Director of a commis-
11 sioned officer of the Armed Forces, and acceptance of and
12 service in such an office by that officer, shall in no way affect
13 any status, office, rank, or grade that officer may occupy or
14 hold in the Armed Forces, or any emolument, perquisite,
15 right, privilege, or benefit incident to or arising out of any
16 such status, office, rank, or grade. A commissioned officer
17 shall, while serving in the office of Director or Deputy Direc-
18 tor, continue to hold rank and grade not lower than that in
19 which that officer was serving at the time of that officer's
20 appointment as Director or Deputy Director.

21 (3) The grade of any such commissioned officer shall,
22 during any period such officer occupies the office of Director
23 or Deputy Director, be in addition to the numbers and per-
24 centages authorized for the military department of which
25 such officer is a member.

1 (e) The Director and Deputy Director whether civilian
2 or military shall be compensated while serving as Director or
3 Deputy Director only from funds appropriated to the Office of
4 the Director.

5 (f) If a commissioned officer of the Armed Forces is
6 serving as Director or Deputy Director, that officer shall be
7 entitled, while so serving, to the difference, if any, between
8 the regular military compensation (as defined in section
9 101(25) of title 37, United States Code) to which that officer
10 is entitled and the compensation provided for that office
11 under subchapter II of chapter 53 of title 5, United States
12 Code.

13 (g) The Deputy Director shall act in the place of the
14 Director during the absence or disability of the Director or
15 during any temporary vacancy in the office of the Director.
16 The Director shall provide by regulation which Assistant Di-
17 rector of National Intelligence shall, whenever there is no
18 Deputy Director, act in the place of the Director during the
19 absence or disability of the Director or during any temporary
20 vacancy in the office of the Director and which Assistant
21 Director of National Intelligence shall act in the place of the
22 Deputy Director during the absence or disability of the
23 Deputy Director or during any temporary vacancy in the
24 office of the Deputy Director, or while the Deputy Director is
25 acting as Director.

1 DUTIES AND AUTHORITIES OF THE DIRECTOR

2 SEC. 304. (a) The Director shall serve, under the direc-
3 tion of the National Security Council, as the principal foreign
4 intelligence officer of the United States.

5 (b) The Director shall be responsible for—

6 (1) the coordination of national intelligence activi-
7 ties of the entities of the intelligence community;

8 (2) the coordination of counterintelligence activi-
9 ties of the entities of the intelligence community that
10 are conducted abroad; and

11 (3) the coordination of counterterrorism intelli-
12 gence activities conducted abroad by the entities of the
13 intelligence community and the coordination of those
14 activities with similar activities abroad by other depart-
15 ments and agencies.

16 (c) The Director shall be responsible for evaluating the
17 quality of the national intelligence that is collected, produced
18 and disseminated by entities of the intelligence community
19 and shall, on a continuing basis, review all current and pro-
20 posed national intelligence activities in order to ensure that
21 those activities are properly, efficiently, and effectively di-
22 rected, regulated, coordinated and administered.

23 (d) The Director shall coordinate and direct the collec-
24 tion of national intelligence by the entities of the intelligence
25 community by—

1 (1) developing such specific collection objectives
2 and targets for the entities of the intelligence commu-
3 nity as are necessary to meet the intelligence require-
4 ments and priorities established by the National Secu-
5 rity Council;

6 (2) establishing procedures, in coordination with
7 the heads of departments and agencies not within the
8 intelligence community, to increase, insofar as is possi-
9 ble, the national intelligence contribution made by
10 those departments and agencies without adversely af-
11 fecting the performance of their other authorized
12 duties; and

13 (3) coordinating all clandestine collection of intelli-
14 gence outside the United States including all clandest-
15 ine collection of intelligence outside the United States
16 utilizing human sources.

17 (e) The Director shall be responsible for the production
18 of national intelligence, including national intelligence esti-
19 mates and other intelligence community-coordinated analy-
20 ses, and shall—

21 (1) ensure that in the production of national intel-
22 ligence estimates or other intelligence community-
23 coordinated analysis any diverse points of view are
24 presented fully and considered carefully, and that dif-

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1 ferences of judgment within the intelligence community
2 are expressed clearly for policymakers; and

3 (2) have authority to levy analytic tasks on de-
4 partmental intelligence production organizations; in
5 consultation with those organizations.

6 (f) The Director shall be responsible for the dissemina-
7 tion, under appropriate security procedures, of national intel-
8 ligence, and shall—

9 (1) ensure that departments and agencies and ap-
10 propriate operational commanders of the Armed Forces
11 of the United States are furnished such national intelli-
12 gence as is relevant to their respective duties and
13 responsibilities;

14 (2) establish dissemination procedures to increase
15 the usefulness for departments and agencies (including
16 departments and agencies not within the intelligence
17 community) of information collected, processed, and
18 analyzed through national intelligence activities; and

19 (3) ensure access of each entity of the intelligence
20 community to national intelligence relevant to that en-
21 tity's authorized activities which has been collected or
22 produced by any other entity of the intelligence
23 community.

24 (g) The Director shall ensure the appropriate implemen-
25 tation of special activities and sensitive foreign intelligence,

1 counterintelligence, and counterterrorism intelligence activi-
2 ties outside the United States designated under section 124
3 of this Act.

4 (h) The Director shall—

5 (1) formulate policies with respect to intelligence
6 arrangements with foreign governments, in consulta-
7 tion with the Secretary of State; and

8 (2) coordinate intelligence relationships between
9 the various entities of the intelligence community and
10 the foreign intelligence or internal security services of
11 foreign governments.

12 (i) The Director shall promote the development and
13 maintenance of services of common concern by designated
14 foreign intelligence organizations on behalf of the intelligence
15 community.

16 (j) The Director shall be responsible for the protection
17 from unauthorized disclosure of intelligence sources and
18 methods and shall establish for departments and agencies
19 minimum security standards for the management and han-
20 dling of information and material relating to intelligence
21 sources and methods.

22 (k) No provision of law shall be construed to require the
23 Director or any other officer or employee of the United
24 States to disclose the organization, function, name, official
25 title, salary, or affiliation with the Office of the Director of

1 National Intelligence of any person employed by the Office,
2 or the numbers of persons employed by the Office.

3 (l) The Director may appoint and separate such civilian
4 personnel or contract for such personal services as the Direc-
5 tor deems advisable to perform the functions of the Office of
6 the Director, without regard to the provisions of any other
7 law, including, but not limited to, provisions which place
8 limitations on types of persons to be employed, and fix the
9 compensation of such personnel without regard to chapter 51
10 and subchapter III and IV of chapter 53 of title V, United
11 States Code, relating to classification and General Schedule
12 pay rates, but at such rates not in excess of the maximum
13 rate authorized under other provisions of law.

14 (m) Notwithstanding any other provision of law, the Di-
15 rector may terminate the employment of any officer or em-
16 ployee of the Office of the Director or, with the concurrence
17 of the head of the department or agency concerned, the secu-
18 rity clearance of any contractor of any entity of the intelli-
19 gence community whenever the Director considers such ter-
20 mination necessary or advisable in the interests of the United
21 States.

22 (n) Any officer or employee of the Office of the Director
23 including those separated under subsection (l) or whose em-
24 ployment has been terminated under subsection (m) may seek
25 or accept employment in any other department or agency of

1 the Government; if declared eligible for such employment by
2 the Office of Personnel Management; and that Office shall
3 consider such officer or employee for positions in the competi-
4 tive civil service in the same manner as if transferring be-
5 tween two positions in the competitive service, but only if
6 such officer or employee has served with the Office of the
7 Director or any other entity of the intelligence community for
8 a total of at least one year continuously immediately preced-
9 ing separation or termination.

10 (e) In order to carry out the Director's duties under this
11 title, the Director is authorized to conduct program and per-
12 formance audits and evaluations of the national intelligence
13 activities of the entities of the intelligence community and to
14 obtain from any department or agency such information as
15 the Director deems necessary to perform such duties; and
16 each department and agency shall furnish, upon request and
17 in accordance with applicable law, such information to the
18 Director.

19 (p) In order to carry out the Director's duties under this
20 title, the Director is authorized to review all research and
21 development activities which support the intelligence activi-
22 ties of the Government and may review all the intelligence
23 activities of the Government.

1 ASSISTANT DIRECTOR; GENERAL COUNSEL; COMMITTEES
2 AND BOARDS

3 SEC. 305. (a) The President is authorized to appoint up
4 to five Assistant Directors of National Intelligence to assist
5 the Director in carrying out the responsibilities of the Direc-
6 tor under this Act. At no time shall more than two of the
7 positions of Assistant Director of National Intelligence be oc-
8 cupied by commissioned officers of the Armed Forces, wheth-
9 er in active or retired status. If a commissioned officer of the
10 Armed Forces serves as an Assistant Director of National
11 Intelligence, the provisions of section 303 (d) through (f) shall
12 apply to such officer.

(b) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the intelligence community with respect to that entity, is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this Act.

(c) The President is authorized to appoint, by and with the advice and consent of the Senate, a General Counsel who shall discharge the responsibilities of general counsel under this Act for the Office of the Director of National Intelligence and for the Central Intelligence Agency.

1 (d)(1) The Director, with respect to the Office of the
2 Director, the Attorney General with respect to the Attorney
3 General's duties and responsibilities under this Act, and the
4 head of each entity of the intelligence community with re-
5 spect to that entity, are authorized to establish such advisory
6 committees as may be necessary to provide expert advice
7 regarding the administration of this Act.

8 (2) The provisions of the Federal Advisory Committee
9 Act (86 Stat. 770; 5 U.S.C. App. I, 1-15) shall apply with
10 respect to any advisory committee established under author-
11 ity of this subsection except that the Director, Attorney Gen-
12 eral, or the head of any entity of the intelligence community,
13 as the case may be, may waive the application of any or all of
14 the provisions of that Act when such official deems such
15 action necessary to the successful performance of the duties
16 of the Director, the Attorney General, or any entity of the
17 intelligence community, as the case may be, or to protect the
18 security of the activities of the intelligence community.

19 DEPARTMENTAL RESPONSIBILITY FOR REPORTING
20 NATIONAL INTELLIGENCE

21 SEC. 306. It shall be the responsibility of the heads of
22 departments and agencies to ensure that all national intelli-
23 gence obtained by such departments and agencies is promptly
24 furnished to the Director or to the entity of the intelligence

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1 community designated by the Director to receive such
2 intelligence.

3 ANNUAL REPORT OF THE DIRECTOR

4 SEC. 307. The Director shall make available to the
5 public an unclassified annual report on the national intelli-
6 gence, counterintelligence, and counterterrorism activities
7 conducted by entities of the intelligence community. Nothing
8 in this subsection shall be construed as requiring the public
9 disclosure, in any such report made available to the public, of
10 the names of individuals engaged in such activities for the
11 United States or the divulging of classified information which
12 requires protection from disclosure by law.

13 NATIONAL INTELLIGENCE PROGRAM AND BUDGET

14 AUTHORITY; INFORMATION

15 SEC. 308. The Director shall, to the extent consistent
16 with applicable law, have full and exclusive authority for ap-
17 proval of the national intelligence budget submitted to the
18 President. Pursuant to this authority—

19 (a) the Director shall provide guidance for pro-
20 gram and budget development to program managers
21 and heads of component activities and to department
22 and agency heads;

23 (b) the heads of departments and agencies in-
24 volved in the national intelligence budget shall ensure
25 timely development and submission to the Director of

1 proposed national programs and budgets, in the format
2 designated by the Director, by the program managers
3 and heads of component activities, and shall also
4 ensure that the Director is provided, in a timely and
5 responsive manner, all information necessary to
6 perform the Director's program and budget
7 responsibilities;

8 (e) the Director shall review and evaluate the na-
9 tional program and budget submissions and, with the
10 advice of the departments and agencies concerned, de-
11 velop the national intelligence budget and present it to
12 the President through the Office of Management and
13 Budget;

14 (d) the director shall present and justify the na-
15 tional intelligence budget to the Congress; and

16 (e) the director shall have full and exclusive au-
17 thority for reprogramming national intelligence budget
18 funds, in accordance with guidelines established by the
19 Office of Management and Budget and after consulta-
20 tion with the heads of the department or agency affect-
21 ed. The implementation of the overall budget by the
22 departments and agencies that include entities of the
23 intelligence community shall have no significant pre-
24 dictable adverse effect on the implementation of the
25 national intelligence budget.

1 FUNDS APPROPRIATED TO THE OFFICE OF THE DIRECTOR

2 SEC. 309. Whenever the Director determines such
3 action to be necessary in the interest of the national security,
4 the expenditure of funds appropriated to the Office of the
5 Director for authorized activities shall be accounted for solely
6 on the certificate of the Director and every such certificate
7 shall be deemed a sufficient voucher for the amount certified
8 therein, but funds expended for such purposes may be ex-
9 pended only for activities authorized by law.

10 TITLE IV—CENTRAL INTELLIGENCE AGENCY

11 PART A—PURPOSES

12 STATEMENT OF PURPOSES

13 SEC. 401. It is the purpose of this title—

14 (1) to clarify the statutory authorities, functions,
15 and responsibilities of the Central Intelligence Agency;

16 (2) to authorize the Central Intelligence Agency
17 to perform intelligence activities that are necessary for
18 the conduct of the foreign relations and the protection
19 of the national security of the United States;

20 (3) to ensure that the intelligence activities of the
21 Central Intelligence Agency are properly and effective-
22 ly directed, regulated, coordinated, and administered;
23 and

24 (4) to ensure that the Central Intelligence Agency
25 is accountable to the President, the Congress, and the

1 people of the United States, and that the activities of
2 the Central Intelligence Agency are conducted in a
3 manner consistent with the Constitution and laws of
4 the United States.

5 **PART B—ESTABLISHMENT OF AGENCY; DIRECTOR;**
6 **DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR**
7 **GENERAL; FUNCTIONS**

8 **ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY**

9 **SEC. 411.** There is established in the executive branch
10 of the Government an independent establishment to be
11 known as the Central Intelligence Agency (hereinafter in this
12 title referred to as "the Agency"); which shall perform its
13 functions under the direction of the National Security Council
14 and subject to intelligence plans, objectives, and requirements
15 established by the Director of National Intelligence.

16 **DUTIES OF DIRECTOR AND DEPUTY DIRECTOR**

17 **SEC. 412.** (a) There shall be at the head of the Agency
18 a Director of the Central Intelligence Agency (hereinafter in
19 this title referred to as the "Director of the Agency") who
20 shall be appointed by the President, with the advice and con-
21 sent of the Senate. The Director of National Intelligence
22 shall serve as Director of the Agency. The President is au-
23 thorized to appoint the Deputy Director of National Intelli-
24 gence or an Assistant Director of National Intelligence as the
25 Director of the Agency or to transfer any of the duties and

1 authorities of the Director of the Agency to such Deputy
2 Director or Assistant Director, provided that such appoint-
3 ment or transfer receives the advice and consent of the
4 Senate. No person may serve as the Director of the Agency
5 for more than ten years.

6 (b) There shall be a Deputy Director of the Central In-
7 telligence Agency (hereinafter in this title referred to as the
8 "Deputy Director") who shall be appointed by the President,
9 with the advice and consent of the Senate, and who shall
10 assist in carrying out the functions of the Director of the
11 Agency and who shall exercise all the duties of the Director
12 of the Agency in the absence of the Director of the Agency.

13 (c) At no time shall the offices of Director of the Agency
14 and Deputy Director be occupied simultaneously by commis-
15 sioned officers of the Armed Forces, whether in an active or
16 retired status.

17 (d)(1) If a commissioned officer of the Armed Forces is
18 appointed as Director of the Agency or Deputy Director,
19 then—

20 (A) in the performance of the duties of Director of
21 the Agency or Deputy Director, as the case may be,
22 the officer shall be subject to no supervision, control,
23 restriction, or prohibition (military or otherwise) other
24 than would be applicable if that officer were a civilian
25 in no way connected with the Department of Defense,

1 the military departments, or the Armed Forces of the
2 United States or any component thereof; and

3 (B) that officer shall not possess or exercise any
4 supervision, control, powers, or functions (other than
5 those authorized to that officer as Director of the
6 Agency or Deputy Director) with respect to the De-
7 partment of Defense, the military departments, or the
8 Armed Forces of the United States or any component
9 thereof, or with respect to any of the personnel (mili-
10 tary or civilian) of any of the foregoing.

11 (2) Except as provided in this section, the appointment
12 to the Office of Director of the Agency or Deputy Director of
13 a commissioned officer of the Armed Forces, and acceptance
14 of and service in such an office by that officer, shall in no
15 way affect any status, office, rank, or grade that officer may
16 occupy or hold in the Armed Forces, or any emolument, per-
17 quisite, right, privilege, or benefit incident to or arising out of
18 any such status, office, rank, or grade. A commissioned offi-
19 cer shall, while serving in the office of Director of the
20 Agency or Deputy Director, continue to hold rank and grade
21 not lower than that in which that officer was serving at the
22 time of that officer's appointment as Director of the Agency
23 or Deputy Director.

24 (c) It shall be the duty of the Director of the Agency
25 to—

1 (1) ensure that the activities of the Agency are
2 conducted in accordance with the provisions of this Act
3 and with the Constitution and laws of the United
4 States;

5 (2) ensure that the activities of the Agency are
6 properly and efficiently directed, regulated, coordinat-
7 ed, and administered;

8 (3) perform as Director of the Agency the duties
9 assigned elsewhere in this Act to the head of each
10 entity of the intelligence community;

11 (4) protect intelligence sources and methods from
12 unauthorized disclosure; and

13 (5) specify by regulation the order in which senior
14 officials of the Agency may exercise all the duties of
15 the Deputy Director during any temporary absence,
16 disability, or vacancy in that office.

17 GENERAL COUNSEL AND INSPECTOR GENERAL

18 SEC. 413. (a) There shall be a General Counsel appoint-
19 ed by the President, by and with the advice and consent of
20 the Senate, who shall discharge the responsibilities of general
21 counsel under this Act for the Office of the Director of Na-
22 tional Intelligence and for the Agency. In the temporary ab-
23 sence of the General Counsel, the Deputy General Counsel is
24 authorized to exercise all the functions of the General
25 Counsel.

~~FUNCTIONS~~

1 coordinated with other entities of the intelligence
2 community;

3 (6) develop, conduct, and provide support for tech-
4 nical, reconnaissance, and other programs, including
5 the conduct of signals intelligence activities in accord-
6 ance with subsection 641(d) of this Act, to collect in-
7 telligence outside the United States;

8 (7) act as the agent of the Director of National
9 Intelligence in the coordination of counterintelligence
10 activities, counterterrorism intelligence activities, and
11 clandestine collection of foreign intelligence, conducted
12 outside the United States by any other entity of the in-
13 telligence community;

14 (8) under the direction of the Director of National
15 Intelligence conduct liaison with and provide assistance
16 to foreign governmental agencies and act as the agent
17 of the Director of National Intelligence in the coordi-
18 nation of such relationships by any other entity of the
19 intelligence community;

20 (9) conduct as services of common concern for the
21 intelligence community:

22 (A) monitoring of foreign public radio and
23 television broadcasts and foreign press services,
24 collection of intelligence from cooperating sources
25 in the United States, acquisition and translation of

1 foreign publications, and photographic interpreta-
2 tion; and

3 (B) such other services of common concern
4 as the Director of National Intelligence may
5 prescribe;

6 (10) coordinate the overt collection of foreign in-
7 telligence by entities of the intelligence community
8 from witting and voluntary sources within the United
9 States;

10 (11) conduct or contract for research, develop-
11 ment, and procurement of systems and devices relating
12 to its authorized functions;

13 (12) perform inspection, audit, public affairs, legal,
14 legislative, and other administrative functions to sup-
15 port its authorized activities, and provide such support
16 to the Office of the Director of National Intelligence as
17 directed by the Director of National Intelligence; and

18 (13) perform such additional functions as are oth-
19 erwise authorized by this Act to be performed by each
20 entity of the intelligence community.

21 (c) Within the United States the Agency may collect
22 foreign intelligence by clandestine means only in coordination
23 with the Federal Bureau of Investigation, in accordance with
24 standards and procedures agreed upon by the Director of Na-
25 tional Intelligence and the Attorney General, and may direct

1 such collection against unconsenting United States persons
2 only as permitted by section 213(d) of this Act.

3 (d) Within the United States the Agency may conduct
4 counterintelligence and counterterrorism intelligence activi-
5 ties by clandestine means only with the approval of the Di-
6 rector of the Federal Bureau of Investigation or a designee,
7 made or confirmed in writing, and shall keep the Federal
8 Bureau of Investigation fully and currently informed of any
9 such activities, in accordance with section 504(d) of this Act.

10 PART C—AUTHORITIES OF THE AGENCY;

11 AUTHORIZATION FOR APPROPRIATIONS

12 GENERAL AUTHORITIES OF THE AGENCY

13 SEC. 421. (a) In carrying out its functions under this
14 Act, the Agency is authorized to—

15 (1) exchange funds, and transfer to and receive
16 from other departments and agencies such sums of
17 money as may be approved by the Director of the
18 Office of Management and Budget for the purpose of
19 carrying out authorized functions, and sums so trans-
20 ferred to or from the Agency may be expended without
21 regard to any limitation on appropriations from which
22 transferred;

23 (2) reimburse or be reimbursed by other depart-
24 ments and agencies in connection with the detail or as-
25 signment of personnel to or from the Agency;

1 (3) rent any premises within or outside the United
2 States as appropriate to carry out any authorized func-
3 tion of the Agency; lease property, supplies, services,
4 equipment, buildings, or facilities; acquire, construct, or
5 alter buildings and facilities, or contract for such pur-
6 poses; repair, operate, and maintain buildings, utilities,
7 facilities, and appurtenances; and exercise exclusive ju-
8 risdiction, control, and custody over all facilities and
9 properties owned or utilized by the Agency;

10 (4) maintain and operate full-scale printing facili-
11 ties for the production of intelligence and intelligence-
12 related materials and lease or purchase and operate
13 computer and communications equipment as appropri-
14 ate to carry out authorized functions;

15 (5) conduct background investigations in accord-
16 ance with section 217 of this Act to determine the
17 suitability and trustworthiness of employees, contrac-
18 tors, and contractor employees who will perform work
19 in connection with an Agency contract; applicants for
20 contractor status; persons employed by Agency propri-
21 etaries, or applicants for employment or for access to
22 facilities or classified Agency information; consultants;
23 persons detailed or assigned to the Agency, and per-
24 sons similarly associated with the Office of the Direc-
25 tor of National Intelligence;

1 (6) acquire, establish, maintain, and operate
2 secure communications systems in support of Agency
3 operations and in support of the Office of the Director
4 of National Intelligence, and, when authorized by the
5 Director of the Agency, in support of any other depart-
6 ment or agency;

7 (7) in addition to the authority provided under
8 section 686 of title 31, United States Code, provide to
9 any department or agency such services, supplies, or
10 equipment as the Agency may be in a position to
11 render, supply, or obtain by contract, and place orders
12 with departments or agencies that may be in a position
13 to render, supply, or obtain services, supplies, or equip-
14 ment by contract or otherwise;

15 (8) protect Agency personnel, installations, equip-
16 ment and information by lawful security procedures, in-
17 cluding, but not limited to, inspections of persons and
18 items entering or leaving facilities and grounds owned
19 or utilized by the Agency;

20 (9) provide transportation, in accordance with reg-
21 ulations approved by the Director of the Agency, for
22 officers, employees, and contractors of the Agency and
23 the Office of the Director of National Intelligence, or
24 their dependents when other means of transportation
25 are unsafe or inadequate;

1 (10) settle and pay claims of civilian and military
2 personnel, as prescribed in Agency regulations consist-
3 ent with the terms and conditions by which claims are
4 settled and paid under the Military Personnel and Ci-
5 vilian Employees' Claims Act of 1964, as amended (31
6 U.S.C. 240-243);

7 (11) pay, in accordance with regulations approved
8 by the Director, expenses of travel in connection with,
9 and expenses incident to membership in, or attendance
10 at meetings of professional, technical, scientific, and
11 other similar organizations and professional associat-
12 tions when such attendance or membership would be of
13 benefit in the conduct of the work of the Agency;

14 (12) provide or pay expenses of training to sup-
15 port authorized Agency functions, and, as appropriate,
16 provide training for personnel of other departments and
17 agencies;

18 (13) perform inspection, audit, public affairs, legal,
19 legislative, and other administrative functions; and

20 (14) perform such additional functions as are oth-
21 erwise authorized by this Act to be performed by each
22 entity of the intelligence community.

23 (b) Any department or agency may transfer to or receive
24 from the Agency any sum of money in accordance with sub-
25 section (a) (1) and (2) of this section.

1 (e) Any department or agency is authorized to assign or
2 detail to the Agency any officer or employee of such depart-
3 ment or agency to assist the Agency in carrying out any
4 authorized function and the Agency may similarly assign or
5 detail personnel to any other department or agency.

6 (d) No provision of law shall be construed to require the
7 Director of the Agency or any other officer or employee of
8 the United States to disclose information concerning the or-
9 ganization or functions of the Agency, including the name,
10 official title, salary, or affiliation with the Agency of any
11 person employed by, or otherwise associated with the
12 Agency, or the number of persons employed by the Agency.
13 In addition, the Agency shall be also be exempted from the
14 provisions of any law which require the publication or disclo-
15 sure, or the search or review in connection therewith, of in-
16 formation in files specifically designated to be concerned with
17 the design, function, deployment, exploitation, or utilization
18 of scientific or technical systems for the collection of intelli-
19 gence; special activities and intelligence operations; investi-
20 gations conducted to determine the suitability of potential in-
21 telligence sources; intelligence and security liaison arrange-
22 ments or information exchanges with foreign governments or
23 their intelligence or security services; except that requests by
24 United States citizens and permanent resident aliens for in-
25 formation concerning themselves, made pursuant to sections

1 552 and 552a of title 5, shall be processed in accordance
2 with those sections.

3 (e) The Agency is authorized to establish, administer,
4 and maintain methods to conceal and protect the relationship
5 between the Agency and any of its officers, employees,
6 sources, and activities, and for personnel and activities of the
7 Office of the Director of National Intelligence, and for defec-
8 tors from foreign countries.

9 (f) The Agency may continue to use and may modify
10 with the approval of the President the seal of office used by
11 the Central Intelligence Agency prior to the effective date of
12 this title and judicial notice shall be taken of such seal.

13 (g) The Director of the Agency may employ or contract
14 for security officers to police and protect the security of
15 Agency personnel, installations, and grounds owned or uti-
16 lized by the Agency or the Office of the Director of National
17 Intelligence, and such security officers shall have the same
18 powers as sheriffs and constables for the protection of per-
19 sons and property, to prevent breaches of the peace, to sup-
20 press affrays or unlawful assemblies, and to enforce any rule
21 or regulation the Director of the Agency may promulgate for
22 the protection of such installations and grounds. The jurisdic-
23 tion and police powers of such security officers shall not,
24 however, extend to the service of civil process.

1 (h) Under such regulations as the Director of the
2 Agency shall prescribe, Agency personnel may carry and use
3 firearms while in the discharge of their official duties: *Pro-*
4 *vided,* That within the United States, such official duties
5 shall include only the protection of (1) information concerning
6 intelligence sources and methods and classified documents
7 and material; (2) facilities, property, moneys and other valua-
8 ble assets owned or utilized by the Agency or the Office of
9 the Director of National Intelligence; (3) personnel of the
10 Agency or the Office of the Director of National Intelligence
11 as may be designated by the Director of the Agency; and (4)
12 defectors and foreign persons visiting the United States under
13 Agency auspices: *And provided further,* That such duties
14 shall include the transportation and utilization of firearms for
15 authorized training.

16 (i)(1) The Agency may employ, manage and separate
17 personnel or contract for such personal services as it deems
18 advisable, and the Agency may expend such sums as it
19 deems advisable for the compensation and management of
20 persons employed by or otherwise associated with the
21 Agency.

22 (2) The Director of the Agency may, in the discretion of
23 the Director of the Agency, terminate the employment of any
24 officer or employee of the Central Intelligence Agency, or the
25 access of any individual, including contractors of the Agency

1 or any employee of any such contractor, to information relat-
2 ing to intelligence activities whenever the Director of the
3 Agency considers such termination necessary or advisable.

4 (3) Any Agency officer or employee, including any offi-
5 cer or employee who has been separated under paragraph (1),
6 or whose employment has been terminated under paragraph
7 (2), may seek or accept employment in the competitive serv-
8 ice of the Government if declared eligible for such employ-
9 ment by the Office of Personnel Management; and that Office
10 shall consider such officer or employee for positions in the
11 competitive civil service in the same manner as if transferring
12 between two positions in the competitive service, but only if
13 such Agency officer or employee has served with the Agency
14 or the Office of the Director of National Intelligence for a
15 total of at least one year continuously immediately preceding
16 separation or termination.

17 (j) The Director of the Agency is authorized to accept,
18 hold, administer, and utilize gifts and bequests of property,
19 both real and personal, for artistic or general employee or
20 dependent welfare, educational, recreational, or like purpose,
21 whenever the Director of the Agency determines that it
22 would be in the interest of the Agency to do so. Gifts and
23 bequests of money and the proceeds from sales of other prop-
24 erty received as gifts or bequests shall be deposited in the
25 Treasury in a separate fund and shall be disbursed upon

1 order of the Director of the Agency. Property accepted pur-
2 suant to this provision, and the proceeds thereof, shall be
3 used as nearly as possible in accordance with the terms of the
4 gift or bequest. For purposes of Federal, income, estate, or
5 gift taxes, gifts or property accepted under this subsection
6 shall be accepted as a gift, devise, or bequest to the United
7 States.

8 (k) Except as otherwise provided in this Act, the au-
9 thorities contained in subsections (a) through (e) and (i) of this
10 section may be exercised notwithstanding any other provision
11 of law.

12 (l) The Agency shall have no police, subpoena, or law
13 enforcement powers, nor perform any internal security or
14 criminal investigation functions, except to the extent express-
15 ly authorized by this Act.

16 PROCUREMENT

17 SEC. 422. (a) Except as otherwise provided in this Act,
18 the Agency is authorized to procure, use, and dispose of such
19 real and personal property, supplies, services, equipment, and
20 facilities without regard to any other provision of law, when-
21 ever deemed necessary to carry out authorized functions.

22 (b) The provisions of chapter 137, relating to the pro-
23 curement of property and services, and chapter 139, relating
24 to the procurement of research and development services, of
25 title 10, United States Code, as amended, shall apply to the

1 procurement of property and research and development serv-
2 ices by the Agency under this title in the same manner and to
3 the same extent such chapters apply to the procurement of
4 property, services, and research and development services by
5 the agencies named in section 2303(a) of chapter 137 of title
6 10, except that the Director of the Agency may specify by
7 regulation when any or all of the provisions of chapters 137
8 and 139 of title 10 may be waived for the effective perform-
9 ance of authorized functions.

10 (c) In accordance with regulations promulgated by the
11 Director of the Agency, the Agency is authorized to enter
12 into contracts and amendments of contracts, and to make ad-
13 vance payments on contracts, without regard to any other
14 provision of law, whenever deemed necessary for the effec-
15 tive performance of authorized functions.

16 (d) Except as otherwise provided in this Act, the
17 Agency is authorized to dispose of property and use the pro-
18 ceeds therefrom to purchase new property without regard to
19 any other provision of law, in accordance with regulations
20 approved by the Director of the Agency, whenever such
21 action is found necessary for the effective performance of au-
22 thorized functions in accordance with regulations established
23 by the Director of the Agency.

1 PROPRIETARIES

2 SEC. 422. (a) The Agency is authorized to establish and
3 operate proprietaries in support of Agency operations and,
4 with the approval of the Director of National Intelligence, in
5 support of other entities of the intelligence community. In
6 addition, any such proprietaries may be operated on a com-
7 mercial basis to the extent necessary to provide effective
8 cover.

9 (b) Appropriated funds and funds generated by an
10 Agency proprietary or otherwise received may be deposited
11 in banks or other financial institutions and expended as nec-
12 essary to accomplish the same or closely related operational
13 purposes except that funds in excess of amounts necessary
14 for such purposes shall be deposited into miscellaneous re-
15 ceipts of the Treasury.

16 (c) Proceeds from the liquidation, sale, or other disposi-
17 tion of any Agency proprietary may be expended to establish
18 and operate other proprietaries in furtherance of the same or
19 closely related operational purposes. Any such proceeds not
20 so expended shall be deposited into miscellaneous receipts of
21 the Treasury, except for amounts deemed necessary or re-
22 quired by law to be retained for the purpose of satisfying
23 claims or obligations.

24 (d) Whenever any Agency proprietary, or operationally
25 related group of proprietaries, whose net value exceeds

1 \$150,000 is to be liquidated, sold, or otherwise disposed of,
2 the Agency shall, as much in advance of the liquidation, sale,
3 or other disposition as practicable, report the circumstances
4 of the intended liquidation, sale, or other disposition to the
5 House Permanent Select Committee on Intelligence and the
6 Senate Select Committee on Intelligence.

7 (e) The authority contained in this section shall, except
8 as otherwise provided in this Act, be available to the Agency
9 notwithstanding any other provision of law.

10 RELATIONSHIPS WITH OTHER ENTITIES

11 SEC. 424. In addition to those activities of the Agency
12 that relate to other departments and agencies and that are
13 authorized in other provisions of this Act, the Agency is fur-
14 ther authorized—

15 (1) to request other entities of the intelligence
16 community to undertake authorized intelligence
17 activities;

18 (2) to receive assistance from Federal, State, and
19 local law enforcement agencies in the conduct of au-
20 thorized functions;

21 (3) to provide and receive technical guidance,
22 training, and equipment, and, under regulations estab-
23 lished by the Director of the Agency, the services of
24 expert personnel, to or from any other Federal agency
25 or foreign government, and, when not readily available

1 from another Federal agency, to or from State or local
2 governments;

3 (4) to provide and receive technical information or
4 assistance to or from the Passport Office of the De-
5 partment of State and the Immigration and Naturaliza-
6 tion Service of the Department of Justice to assist in
7 carrying out authorized functions; and

8 (5) when the Internal Revenue Service is per-
9 forming an audit of an Agency proprietary or any other
10 organization or individual whose relationship with the
11 Agency is concealed or protected, to notify the Inter-
12 nal Revenue Service of such relationship in order that
13 it not be disclosed publicly in connection with the
14 audit.

15 **ADMISSION OF ESSENTIAL ALIENS**

16 **SEC. 425. (a)** Whenever the Director of the Agency, the
17 Attorney General, and the Commissioner of Immigration and
18 Naturalization determine that the entry of particular aliens
19 into the United States for permanent residence is in the inter-
20 est of national security or essential to intelligence activities,
21 such aliens and their immediate families shall be given entry
22 into the United States for permanent residence without
23 regard to their inadmissibility under, or their failure to
24 comply with, any immigration law of the United States or
25 any other law or regulation, but in no case may the number

1 of aliens and members of their immediate families who enter
2 the United States under the authority of this section exceed
3 one hundred in any one fiscal year. The Agency is authorized
4 to process, debrief, and provide relocation assistance to such
5 individuals, as necessary and appropriate under regulations
6 established by the Director of the Agency.

7 (b) When extraordinary circumstances indicate that a
8 foreign person associated with the Agency should enter or
9 leave the United States under other than that person's true
10 identity, the Agency is authorized to notify the Immigration
11 and Naturalization Service of these circumstances and re-
12 quest a waiver of otherwise applicable rules and procedures.

13 AUTHORIZATION FOR APPROPRIATIONS AND

14 EXPENDITURES

15 SEC. 426. (a) Notwithstanding any other provision of
16 law, sums available to the Agency by appropriation or other-
17 wise received may be expended to carry out the authorized
18 functions of the Agency. No funds may be appropriated for
19 any fiscal year beginning after September 30, 1980, for the
20 purpose of carrying out any activity of the Agency unless
21 funds for such activity have been previously authorized by
22 legislation enacted during the same fiscal year or during one
23 of the two immediately preceding fiscal years, except that
24 this limitation shall not apply to funds appropriated by any
25 continuing resolution or required by pay raises.

1 (b) Whenever the Director of the Agency determines
2 such action to be necessary in the interest of the national
3 security, the expenditure of funds appropriated to or other-
4 wise received by the Agency shall be accounted for solely on
5 the certificate of the Director of the Agency and every such
6 certificate shall be deemed a sufficient voucher for the
7 amount certified therein.

8 (c) There is established and the Director of the Agency
9 is authorized to establish and maintain a fund to be known as
10 the Contingency Reserve Fund (hereinafter in this section
11 referred to as the "Reserve Fund") and to credit to the Re-
12 serve Fund moneys specifically appropriated to the Central
13 Intelligence Agency for such fund and unused balances of
14 funds previously withdrawn from the Reserve Fund.

15 (d) The Director of the Agency is authorized to expend
16 moneys from the Reserve Fund for the payment of expenses
17 incurred in connection with any authorized intelligence activ-
18 ity if—

19 (1) the withdrawal of funds from the Reserve
20 Fund has been approved by the Office of Management
21 and Budget;

22 (2) the Committee on Appropriations of the House
23 of Representatives, the Committee on Appropriations
24 of the Senate, the House Permanent Select Committee
25 on Intelligence, and the Senate Select Committee on

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1 Intelligence have been notified of the purpose of such
2 withdrawal at least seventy-two hours in advance of
3 the withdrawal; except that in extraordinary circum-
4 stances the Director of the Agency may authorize the
5 withdrawal of funds from the Reserve Fund without
6 prior notification to the appropriate committees of the
7 Congress if the Director of the Agency notifies such
8 committees within forty-eight hours after initiation of
9 the withdrawal, describes the activity for which such
10 funds have been or are to be expended, certifies to
11 such committees that prior notification would have re-
12 sulted in a delay which would have been harmful to
13 the United States, and discloses to such committees
14 the reasons why the delay would have been harmful.
15 The foregoing shall not be construed as requiring the
16 approval of any committee of the Congress prior to the
17 initiation of any such activity;

18 (2) the moneys from the Reserve Fund are used
19 solely for the purpose of meeting needs that were not
20 anticipated at the time the President's budget was sub-
21 mitted to the Congress for the fiscal year in which the
22 withdrawal is authorized, and the activities to be
23 funded require protection from unauthorized disclosure;
24 and

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1 (4) any activity funded from the Reserve Fund
2 that continues after the end of the fiscal year in which
3 it was funded by moneys from the Reserve fund shall
4 be funded thereafter through the regular budgetary
5 process at the earliest practicable date.

6 (e) Moneys from the Reserve Fund may be expended
7 only for the purpose for which the withdrawal was approved
8 under this subsection and any amount approved for expendi-
9 ture but not actually expended or to be expended for the
10 purpose for which approved shall be returned to the Reserve
11 Fund.

12 PART D—TRAVEL AND OTHER ALLOWANCES; RELATED
13 EXPENSES; RETIREMENT SYSTEM; AND DEATH
14 GRATUITIES

15 SEC. 431. (a) As used in this section "employee" means
16 an "employee" as defined in section 2105 of title 5, United
17 States Code, but does not include, unless otherwise specifi-
18 cally provided in accordance with regulations issued by the
19 Director of the Agency, any person working for the Agency
20 under a contract or any person who, when initially employed,
21 is a resident in or a citizen of the foreign country in which
22 such person is to be assigned to duty.

23 (b) Under regulations issued by the Director of the
24 Agency the Agency may pay—

1 (1) travel, transportation, and subsistence ex-
2 penses as provided for in chapters 57 and 59 of title 5,
3 United States Code;

4 (2) travel, transportation, medical, subsistence,
5 and other allowances and benefits in a manner and
6 under circumstances comparable to those provided
7 under title IX of the Foreign Service Act of 1946 (22
8 U.S.C. 1131-1160);

9 (3) educational travel benefits for dependents in
10 the same manner and under the same circumstances as
11 such benefits are provided under sections (4) (A) and
12 (B) of title 5, United States Code for dependents of
13 employees of the Department of State; and

14 (4)(A) a gratuity to the surviving dependents of
15 officers or employees who die as a result of injuries
16 (excluding disease) sustained outside the United States,
17 in an amount equal to one year's salary at the time of
18 death. Such payment shall be made only upon determi-
19 nation of the Director of the Agency or his designee
20 that the death (1) resulted from hostile or terrorist ac-
21 tivity; or, (2) occurred in connection with an intelli-
22 gence activity having a substantial element of risk.
23 Any payment made under this subsection shall be held
24 to have been a gift and shall be in addition to any
25 other benefit payable from any source.

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1 (B) A death gratuity payment under this subsec-
2 tion shall be made as follows:

3 (i) first, to the widow or widower;

4 (ii) second, to the child, or children in equal
5 shares, if there is no widow or widower; and

6 (iii) third, to the dependent parent, or de-
7 pendent parents in equal shares, if there is no
8 widow, widower, or child. If there is no survivor
9 entitled to payment no payment shall be made.

10 (C) As used in this subsection—

11 (i) each of the terms “widow”, “widower”,
12 “child”, and “parent” shall have the same mean-
13 ing given each such term by section 8101 of title
14 5, United States Code; and

15 (ii) the term “United States” means the sev-
16 eral States and the District of Columbia.

17 (D) The provisions of this subsection shall apply
18 with respect to deaths occurring on or after July 1,
19 1979.

20 (e) Whenever any provision of law relating to expenses,
21 allowances, benefits, or death gratuities of Foreign Service
22 employees or dependents is enacted after the date of enact-
23 ment of this Act in a form other than as an amendment to
24 one of the provisions referred to in subsection (b) and the
25 Director of the Agency determines that it would be appropri-

1 ate for the purpose of promoting the effective performance of
2 authorized functions, the Director of the Agency may, by
3 regulation authorize payment, in whole or in part to Agency
4 employees or dependents of such expenses, allowances, bene-
5 fits and gratuities.

6 (d) Notwithstanding the provisions of subsections (b) and
7 (c), and under regulations issued by the Director of the
8 Agency, the Agency may pay expenses, allowances, benefits,
9 and gratuities similar to those specifically authorized in those
10 subsections in any case in which the Director of the Agency
11 determines that such expenses, allowances, benefits or gratu-
12 ities are necessary for the effective performance of authorized
13 functions or that, for reasons of operational necessity or secu-
14 rity, the means of paying expenses, allowances, benefits, and
15 gratuities authorized in subsections (b) and (c), should not be
16 utilized, and may pay special expenses, allowances, benefits,
17 and gratuities when necessary to sustain particular Agency
18 activities.

19 RETIREMENT SYSTEM

20 SEC. 432. The "Central Intelligence Agency" in sec-
21 tion 111(1) of the Central Intelligence Agency Retirement
22 Act, and the "Director of Central Intelligence" in section
23 112 of that Act, shall be deemed to refer to the Central In-
24 telligence Agency and the Director of the Agency as estab-
25 lished under this title. With the exception of the foregoing

1 sentence, nothing in this Act shall affect the entitlement of
2 Agency employees and former Agency employees to partici-
3 pate in the retirement system established by the Central In-
4 telligence Agency Retirement Act or the retirement system
5 established by chapter 83 of title 5, United States Code.

6 ~~PART E—TRANSFER OF PERSONNEL, PROPERTY, AND~~
7 ~~FUNCTIONS; STATUTES REPEALED; EFFECT OF SUB-~~
8 ~~SEQUENT LAW~~

9 ~~TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS~~

10 SEC. 441. (a) All positions, except those of the Director
11 of Central Intelligence and the Deputy Director of Central
12 Intelligence, established in and personnel employed by the
13 Central Intelligence Agency on the day before the effective
14 date of this title, and all obligations, contracts, properties,
15 and records employed, held, or used by the Agency are trans-
16 ferred to the Agency.

17 (b) All orders, determinations, rules, regulations, per-
18 mits, contracts, certificates, licenses, entitlements, and privi-
19 leges which have become effective in the exercise of functions
20 transferred under this title and which are in effect on the
21 effective date of this title, shall continue in effect until modi-
22 fied, terminated, superseded, set aside, or repealed by the
23 Director of the Agency or other properly designated Agency
24 official, by any court of competent jurisdiction, or by oper-
25 ation of law.

1 (c) The provisions of this title shall not affect any pro-
2 ceedings pending before the Central Intelligence Agency as
3 in effect prior to the effective date of this title.

4 (d) No suit, action, or other proceeding begun prior to
5 the effective date of this title, shall abate by reason of enact-
6 ment of this title.

7 (e) With respect to any function transferred by this title
8 and exercised after the effective date of this title, reference in
9 any other Federal law to any department, agency, office, or
10 part thereof shall be deemed to refer to the department,
11 agency, or office in which such function is vested pursuant to
12 this title, and reference in any other Federal law to a provi-
13 sion of law replaced by similar provisions in this title shall be
14 deemed to refer to the provisions in this title.

15 **STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW**

16 **SEC. 442.** (a) No provision of this Act shall be construed
17 to limit or deny to the Agency any authority which may be
18 exercised by the Agency under any other provision of appli-
19 cable law existing on the date of the enactment of this Act,
20 or as amended subsequent to the date of the enactment of
21 this Act.

22 (b) No law enacted after the date of the enactment of
23 this Act shall be held, considered or construed as amending,
24 limiting, superseding or otherwise modifying sections
25 421(a)(3), 421(d), 421(i), 422, 423, 425, and 426 of this title

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1 unless such law does so by specifically and explicitly amend-
2 ing, limiting, or superseding such provision.

3 (c) Section 102 of the National Security Act of 1947 (50
4 U.S.C. 402) and the Central Intelligence Agency Act of
5 1949 (50 U.S.C. 403a-403j) are repealed.

6 **PART F—CRIMINAL PENALTY**

7 **SEC. 443.** (a) Chapter 33 of title 18, United States
8 Code, is amended by adding at the end thereof a new section
9 as follows:

10 **"§ 716. Misuse of the name, initials, or seal of the Central**
11 **Intelligence Agency**

12 "Any person who knowingly and without the express
13 written permission of the Director of the Central Intelligence
14 Agency uses the name 'Central Intelligence Agency', the ini-
15 tials 'CIA', the seal of the Central Intelligence Agency, or
16 any colorable imitation of such name, initials, or seal in con-
17 nection with any solicitation or impersonation for other than
18 authorized purposes or in connection with any commercial
19 enterprise, including any merchandise, advertisement, book,
20 circular, pamphlet, play, motion picture, broadcast, telecast,
21 or other publication or production in a manner intended to
22 convey the impression that such use is approved, endorsed,
23 or authorized by the Central Intelligence Agency shall be
24 fined not more than \$10,000 or imprisoned not more than
25 one year, or both."

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1 (b) The table of sections at the beginning of chapter 33
2 of such title is amended by adding at the end thereof a new
3 item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency."

4 **TITLE V—FEDERAL BUREAU OF INVESTIGATION**

5 **STATEMENT OF PURPOSE**

6 **SEC. 501.** It is the purpose of this title—

7 (1) to authorize the Federal Bureau of Investiga-
8 tion, subject to the supervision and control of the At-
9 torney General, to perform certain intelligence activi-
10 ties necessary for the conduct of the foreign relations
11 and the protection of the national security of the
12 United States;

13 (2) to delineate responsibilities of the Director of
14 the Federal Bureau of Investigation, and to confer
15 upon the Director the authority necessary to fulfill
16 those responsibilities;

17 (3) to ensure that the intelligence activities of the
18 Federal Bureau of Investigation are properly and effec-
19 tively directed, regulated, coordinated, and adminis-
20 tered; and

21 (4) to ensure that in the conduct of its intelligence
22 activities the Federal Bureau of Investigation is ac-
23 countable to the Attorney General, the President, the
24 Congress, and the people of the United States and that

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1 those activities are conducted in a manner consistent
2 with the Constitution and laws of the United States.

3 SUPERVISION AND CONTROL

4 SEC. 502. (a) All authorities, duties, and responsibilities
5 of the Federal Bureau of Investigation (hereinafter in this
6 title referred to as the "Bureau") for the conduct of intelli-
7 gence activities, including law enforcement aspects of intelli-
8 gence activities, shall be exercised in accordance with this
9 Act.

10 (b) All intelligence functions of the Bureau shall be per-
11 formed under the supervision and control of the Attorney
12 General. In exercising such supervision and control, the At-
13 torney General shall be guided by policies and priorities es-
14 tablished by the National Security Council and shall be re-
15 sponsive to foreign intelligence collection objectives, require-
16 ments, and plans promulgated by the Director of National
17 Intelligence.

18 (c) The Attorney General and the Director of the Fed-
19 eral Bureau of Investigation (hereinafter in this title referred
20 to as the "Director") shall review at least annually the intel-
21 ligence activities conducted or coordinated by the Bureau to
22 determine whether those activities have been conducted in
23 accordance with the requirements of this Act and procedures
24 approved by the Attorney General pursuant to this Act.

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1 (d) The Attorney General and the Director shall publicly
2 designate officials who shall discharge the responsibilities of
3 general counsel and inspector general with respect to the ac-
4 tivities of the Bureau under this Act.

5 DUTIES OF THE DIRECTOR OF THE FEDERAL BUREAU OF
6 INVESTIGATION

7 SEC. 502. (a) It shall be the duty of the Director, under
8 the supervision and control of the Attorney General, to—

9 (1) serve as the principal officer of the Govern-
10 ment for the conduct and coordination of counterintelli-
11 gence activities and counterterrorism intelligence activ-
12 ities within the United States;

13 (2) ensure that intelligence activities conducted or
14 coordinated by the Bureau are carried out in conform-
15 ity with the provisions of this Act and with the Consti-
16 tution and laws of the United States and that such ac-
17 tivities do not abridge any right protected by the Con-
18 stitution or laws of the United States;

19 (3) ensure that the intelligence activities of the
20 Bureau are properly and efficiently directed, regulated,
21 coordinated, and administered;

22 (4) keep the Attorney General fully and currently
23 informed of all intelligence activities conducted or co-
24 ordinated by the Bureau and provide the Attorney

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1 General with any information the Attorney General
2 may request concerning such activities;

3 (5) advise the Attorney General and the National
4 Security Council regarding the objectives, priorities, di-
5 rection, conduct, and effectiveness of counterintelli-
6 gence and counterterrorism intelligence activities
7 within the United States;

8 (6) assist the Attorney General and the National
9 Security Council in the assessment of the threat to
10 United States interests from intelligence activities
11 within the United States of foreign powers and from
12 international terrorist activities within the United
13 States; and

14 (7) perform with respect to the Bureau the duties
15 assigned elsewhere in this Act to the head of each
16 entity of the intelligence community.

17 (b) The Attorney General shall provide by regulation
18 which officials of the Bureau shall perform the duties of the
19 Director under this Act during the absence or disability of the
20 Director or during any temporary vacancy in the Office of the
21 Director.

22 COUNTERINTELLIGENCE AND COUNTERTERRORISM

23 INTELLIGENCE FUNCTIONS

24 SEC. 504. (a) The Bureau shall, in accordance with pro-
25 cedures approved by the Attorney General—

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1 (1) collect, produce, analyze, publish, and dissemi-
2 nate counterintelligence and counterterrorism intelli-
3 gence;

4 (2) conduct such other counterintelligence and
5 counterterrorism intelligence activities as are necessary
6 for lawful purposes; and

7 (3) conduct, in coordination with the Director of
8 National Intelligence, liaison for counterintelligence or
9 counterterrorism intelligence purposes with foreign
10 governments.

11 (b) All Bureau counterintelligence and counterterrorism
12 intelligence activities outside the United States shall be con-
13 ducted in coordination with the Central Intelligence Agency
14 and with the approval of a properly designated official of such
15 agency. All requests for such approval shall be made or con-
16 firmed in writing. Any such activities that are not related
17 directly to the responsibilities of the Bureau for the conduct
18 of counterintelligence or counterterrorism intelligence activi-
19 ties within the United States shall be conducted only with the
20 approval of the Attorney General or a designee, made or
21 confirmed in writing.

22 (c)(1) The Bureau shall be responsible for the coordina-
23 tion of all counterintelligence and counterterrorism intelli-
24 gence activities conducted within the United States by any
25 other entity of the intelligence community.

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1 (2) Such activities shall be conducted by clandestine
2 means only with the approval of the Director or a designee,
3 made or confirmed in writing, and only if the request for such
4 approval—

5 (A) is made or confirmed in writing by a properly
6 designated senior official of the requesting entity;

7 (B) describes the activity to be conducted; and

8 (C) sets forth the reasons why the requesting
9 entity wishes to conduct such activity within the
10 United States.

11 (3) The Bureau shall provide the Attorney General or a
12 designee in a timely manner with copies of all requests made
13 to the Bureau under this subsection and shall notify the At-
14 torney General or a designee in a timely manner of any
15 action taken by the Bureau with respect thereto.

16 (4) Any entity of the intelligence community conducting
17 any counterintelligence or counterterrorism intelligence ac-
18 tivity within the United States shall keep the Bureau fully
19 and currently informed regarding that activity.

20 (5) The requirements of paragraphs (2) through (4) of
21 this subsection shall not apply to counterintelligence or coun-
22 terterrorism intelligence activities of the military services di-
23 rected against persons subject to the Uniform Code of Mili-
24 tary Justice (10 U.S.C. 802, Art. 2, (1) through (10)), except

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1 for activities conducted by clandestine means outside military
2 installations.

3 FOREIGN INTELLIGENCE FUNCTIONS

4 SEC. 505. (a) The Bureau may, in accordance with pro-
5 cedures approved by the Attorney General—

6 (1) collect foreign intelligence within the United
7 States in the course of authorized collection of counter-
8 intelligence or counterterrorism intelligence;

9 (2) conduct activities within the United States in
10 support of the foreign intelligence collection programs
11 of any other entity of the intelligence community; and

12 (3) produce, analyze, and disseminate foreign in-
13 telligence in coordination with the Director of National
14 Intelligence.

15 (b) Any Bureau collection of foreign intelligence upon
16 the request of another entity of the intelligence community,
17 or any Bureau activity in support of the foreign intelligence
18 collection programs of another entity of the intelligence com-
19 munity, shall be conducted only upon the request, made or
20 confirmed in writing, of an official of an entity of the intelli-
21 gence community who has been designated by the President
22 to make such requests. The Bureau may not comply with any
23 such request unless such request—

24 (1) describes the information sought or the support
25 activity requested;

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1 (2) certifies that the information sought or the
2 support activity requested is relevant to the authorized
3 functions and duties of the requesting entity; and

4 (3) sets forth the reasons why the Bureau is being
5 requested to collect the information or conduct the sup-
6 port activity.

7 The Bureau shall provide the Attorney General or a designee
8 in a timely manner with copies of all such requests, and shall
9 conduct such support activity only with the approval of the
10 Director.

11 (e) The Bureau shall be responsible, in accordance with
12 procedures agreed upon by the Attorney General and the Di-
13 rector of National Intelligence, for the coordination of all col-
14 lection of foreign intelligence by clandestine means within the
15 United States by any other entity of the intelligence commu-
16 nity.

17 (d) Within the United States foreign intelligence may be
18 collected by clandestine means directed against unconsenting
19 United States persons only by the Bureau, with notice to the
20 Attorney General or a designee, except as otherwise permit-
21 ted by section (d) of this Act.

22 COOPERATION WITH FOREIGN GOVERNMENTS

23 SEC. 506. (a) The Bureau may, in accordance with pro-
24 cedures approved by the Attorney General, collect counterin-
25 telligence and counterterrorism intelligence within the United

1 States upon the written request of any law enforcement, in-
2 telligence, or security agency of a foreign government, and
3 provide assistance to any officer of such agency who is col-
4 lecting intelligence within the United States. The Bureau
5 may not comply with any such request unless such request
6 specifies the purposes for which the intelligence or assistance
7 is sought and—

8 (1) the Bureau would be authorized under this
9 Act to collect the intelligence or provide the assistance
10 in the absence of any such request; or

11 (2) the collection of the intelligence or the provi-
12 sion of assistance pertains to foreign persons and is ap-
13 proved by the Attorney General or a designee after a
14 written finding that, as a matter of comity, such collec-
15 tion or assistance is in the interests of the United
16 States.

17 (b) The Bureau shall keep the Attorney General or a
18 designee fully and currently informed of all intelligence col-
19 lection within the United States by officers or agencies of
20 foreign governments in which information or assistance is
21 furnished by the Bureau.

22 (c) The authority provided in subsection (a) of this sec-
23 tion is subject to the procedures, prohibitions, and restrictions
24 contained in title II of this Act.

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1 GENERAL AND SPECIAL AUTHORITIES

2 SEC. 507. (a) In carrying out its functions under this
3 title, the Bureau is authorized to—

4 (1) procure or lease such property, supplies, serv-
5 ices, equipment, buildings, and facilities, and construct
6 or alter such buildings and facilities, as may be neces-
7 sary to carry out its authorized intelligence functions;

8 (2) establish, furnish, and maintain secure cover
9 for Bureau officers, employees, and sources when nec-
10 essary to carry out its authorized intelligence functions,
11 in accordance with procedures approved by the Attor-
12 ney General;

13 (3) establish and operate proprietaries when nec-
14 essary to support Bureau intelligence activities, in ac-
15 cordance with procedures approved by the Attorney
16 General;

17 (4) deposit public moneys in banks or other finan-
18 cial institutions when necessary to carry out its author-
19 ized intelligence functions;

20 (5) conduct or contract for research, development,
21 and procurement of technical systems and devices re-
22 lating to its authorized intelligence functions;

23 (6) protect from unauthorized disclosure, in ac-
24 cordance with standards established by the Director of

1 National Intelligence under section 114, intelligence
2 sources and methods; and

3 (7) perform such additional functions as are other-
4 wise authorized by this Act to be performed by each
5 entity of the intelligence community.

6 (b)(1) Any proprietary established and operated by the
7 Bureau may be operated on a commercial basis to the extent
8 necessary to provide effective cover. Any funds generated by
9 any such proprietary in excess of the amount necessary for
10 its operational requirements shall be deposited by the Direc-
11 tor into miscellaneous receipts of the Treasury.

12 (2) Whenever any Bureau proprietary whose net value
13 exceeds \$150,000 is to be liquidated, sold, or otherwise dis-
14 posed of, the Bureau shall, as much in advance of the liquida-
15 tion, sale, or other disposition of the proprietary as practica-
16 ble report the circumstances of the intended liquidation, sale,
17 or other disposition to the Attorney General and to the
18 House Permanent Select Committee on Intelligence and the
19 Senate Select Committee on Intelligence. Any proceeds from
20 any liquidation, sale, or other disposition of any Bureau pro-
21 prietary, in whatever amount, after all obligations of the pro-
22 prietary have been met, shall be deposited by the Director
23 into miscellaneous receipts of the Treasury.

24 (c) The Bureau is authorized, in accordance with proce-
25 dures approved by the Attorney General, to procure or lease

1 property, goods, or services for its own use in such a manner
2 that the role of the Bureau is not apparent or publicly ac-
3 knowledged when public knowledge could inhibit or interfere
4 with the secure conduct of an authorized intelligence function
5 of the Bureau.

6 (d) The authority contained in clauses (1), (2), (3), and
7 (4) of subsection (a) shall, except as otherwise provided in
8 this Act, be available to the Bureau notwithstanding any
9 other provision of law and shall not be modified, limited, sus-
10 pended, or superseded by any provision of law enacted after
11 the effective date of this title unless such provision expressly
12 cites the specific provision of subsection (a) intended to be so
13 modified, limited, suspended, or superseded.

14 TITLE VI—NATIONAL SECURITY AGENCY

15 PART A—PURPOSES AND DEFINITIONS

16 STATEMENT OF PURPOSES

17 SEC. 601. It is the purpose of this title—

18 (1) to authorize, and provide guidance for, those
19 signals intelligence and communications security activi-
20 ties necessary for the conduct of the foreign relations
21 and the protection of the national security of the
22 United States;

23 (2) to ensure that signals intelligence and commu-
24 nications security activities are properly and effectively
25 directed, regulated, coordinated, and administered, and

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1 are organized and conducted so as to meet, in the most
2 efficient manner, the signals intelligence and communi-
3 cations security needs of the United States;

4 (3) to establish by law the National Security
5 Agency, to provide for the appointment of a Director
6 of that Agency, to delineate the responsibilities of such
7 Director, and to confer upon such Director the authori-
8 ties necessary to fulfill those responsibilities;

9 (4) to ensure that the National Security Agency is
10 accountable to the President, the Congress, and the
11 people of the United States and that the signals intelli-
12 gence activities and communications security activities
13 of the United States are conducted in a manner con-
14 sistent with the Constitution and laws of the United
15 States.

16 DEFINITIONS

17 SEC. 602: (a) Except as otherwise provided in this sec-
18 tion, the definitions in title I shall apply to this title.

19 (b) As used in this title—

20 (1) The term "communications intelligence"
21 means technical and intelligence information derived
22 from foreign electromagnetic communications by other
23 than the intended recipients.

24 (2) The term "cryptographic system" includes any
25 code, cipher, and any manual, mechanical, or electrical

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1 device or method used for the purpose of disguising,
2 concealing, or authenticating the contents, significance,
3 or meanings of communications.

4 (3) The term "cryptology" encompasses both sig-
5 nals intelligence and communications security.

6 (4) The term "electronics intelligence" means
7 technical and intelligence information derived from for-
8 eign electromagnetic radiations emanating from other
9 than communications, nuclear detonations, or radioac-
10 tive sources.

11 (5) The term "foreign electromagnetic communi-
12 cation" means a communication that has at least one
13 communicant outside of the United States or that is
14 entirely among foreign powers or between a foreign
15 power and officials of a foreign power (but not includ-
16 ing communications intercepted by electronic surveil-
17 lance directed at premises used exclusively for residen-
18 tial purposes).

19 (6) The term "foreign instrumentation signals in-
20 telligence" means technical and intelligence informa-
21 tion derived from the collection and processing of for-
22 eign telemetry, beaconry, and associated signals.

23 (7) The term "signals intelligence" includes,
24 either individually or in combination, communications
25 intelligence, electronics intelligence, foreign instrumen-

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1 tation signals intelligence, and information derived from
2 the collection and processing of nonimagery infrared
3 and coherent light signals, but does not include elec-
4 tronic surveillance activities conducted by the Federal
5 Bureau of Investigation on its own behalf.

6 (8) The term "unauthorized person" means a
7 person not authorized access to signals intelligence or
8 communications security information by the President
9 or by the head of any department or agency that has
10 been designated expressly by the President to engage
11 in cryptologic activities for the United States.

12 (9) The term "United States signals intelligence
13 system" means an entity that is comprised of (A) the
14 National Security Agency (including assigned military
15 personnel); (B) those elements of the military depart-
16 ments and the Central Intelligence Agency performing
17 signals intelligence activities; (C) those elements of any
18 other department or agency which may from time to
19 time be authorized by the National Security Council to
20 perform signals intelligence activities during the time
21 when such elements are authorized to perform such ac-
22 tivities.

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1 PART B—ESTABLISHMENT OF AGENCY; DIRECTOR;
2 DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR
3 GENERAL; DUTIES

4 ESTABLISHMENT OF NATIONAL SECURITY AGENCY;
5 FUNCTION

6 SEC. 611. (a) There is established within the Depart-
7 ment of Defense an agency to be known as the National Se-
8 curity Agency (hereinafter in this title referred to as the
9 "Agency").

10 (b) It shall be the function of the Agency to conduct
11 signals intelligence activities and communications security
12 activities for the United States Government and to serve as
13 the principal agency of the United States signals intelligence
14 system.

15 (c)(1) The functions of the Agency shall be carried out
16 under the direct supervision and control of the Secretary of
17 Defense and shall be accomplished under the provisions of
18 this Act and in conformity with the Constitution and laws of
19 the United States.

20 (2) In exercising supervision and control over the
21 Agency, the Secretary of Defense shall comply with intelli-
22 gence policies, needs, and priorities established by the Na-
23 tional Security Council and with intelligence objectives and
24 requirements established by the Director of National Intelli-
25 gence.

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1 (3) In exercising supervision and control over the
2 Agency, the Secretary of Defense shall comply with commu-
3 nications security policy established by the National Security
4 Council which shall include the Secretary of Commerce for
5 this purpose.

6 DIRECTOR AND DEPUTY DIRECTOR

7 SEC. 612. (a) There shall be a Director of the National
8 Security Agency (hereinafter in this title referred to as the
9 "Director"). There shall also be a Deputy Director of the
10 National Security Agency (hereinafter in this title referred to
11 as the "Deputy Director") to assist the Director in carrying
12 out the Director's functions under this Act.

13 (b) The Director and the Deputy Director shall be ap-
14 pointed by the President, by and with the advice and consent
15 of the Senate. The Director and Deputy Director shall each
16 serve at the pleasure of the President. Either the Director or
17 Deputy Director shall be a person with cryptologic experi-
18 ence. No person may serve as Director or Deputy Director
19 for a period of more than six years unless such person is
20 reappointed to that same office by the President, by and with
21 the advice and consent of the Senate. No person who has
22 served as Director or Deputy Director for a period of less
23 than six years and is subsequently appointed or reappointed
24 to that same office may serve in that office under such ap-
25 pointment or reappointment for a term of more than six

1 years. In no event may any person serve in either or both
2 offices for more than a total of twelve years.

3 (e) At no time shall the two offices of Director and
4 Deputy Director be occupied simultaneously by commis-
5 sioned officers of the Armed Forces whether in an active or
6 retired status.

7 (d)(1) If a commissioned officer of the Armed Forces is
8 appointed as Director or Deputy Director, then—

9 (A) in the performance of the duties of Director or
10 Deputy Director, as the case may be, the officer shall
11 be subject to no supervision, control, restriction, or
12 prohibition of the military departments, or the Armed
13 Forces of the United States or any component thereof;
14 and

15 (B) that officer shall not possess or exercise any
16 supervision, control, powers, or functions (other than
17 such as that officer possesses, or is authorized or di-
18 rected to exercise, as Director, or Deputy Director)
19 with respect to the Department of Defense, the mili-
20 tary departments, or the Armed Forces of the United
21 States or any component thereof, or with respect to
22 any of the personnel (military or civilian) of any of the
23 foregoing.

24 (2) Except as provided in this section, the appointment
25 to the Office of Director or Deputy Director of a commis-

1 sioned officer of the Armed Forces, and acceptance of and
2 service in such an office by that officer, shall in no way affect
3 any status, office, rank, or grade that officer may occupy or
4 hold in the Armed Forces, or any emolument, perquisite,
5 right, privilege, or benefit incident to or arising out of any
6 such status, office, rank, or grade. A commissioned officer
7 shall, while serving in the office of Director or Deputy Direc-
8 tor, continue to hold rank and grade not lower than that in
9 which that officer was serving at the time of that officer's
10 appointment as Director or Deputy Director.

11 (3) The rank or grade of any such commissioned officer
12 shall, during any period such officer occupies the office of
13 Director or Deputy Director, be in addition to the numbers
14 and percentages authorized for the military department of
15 which such officer is a member.

16 (e) The Director and Deputy Director, whether civilian
17 or military, shall be compensated while serving as Director
18 or Deputy Director only from funds appropriated to the De-
19 partment of Defense.

20 (f) If a commissioned officer of the Armed Forces is
21 serving as Director or Deputy Director, that officer shall be
22 entitled, while so serving, to the difference, if any, between
23 the regular military compensation (as defined in section
24 101(25) of title 37, United States Code) to which that officer
25 is entitled and the compensation provided for that office

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1 under subchapter II of chapter 53 of title 5, United States
2 Code.

3 (g) The Deputy Director shall act in the place of the
4 Director during the absence or disability of the Director or
5 during any temporary vacancy in the office of the Director.
6 The Director shall provide by regulation which officials of the
7 Agency shall, whenever there is no Deputy Director, act in
8 the place of the Director during the absence or disability of
9 the Director or during any temporary vacancy in the office of
10 the Director.

11 (h) In computing the twelve-year limitation prescribed
12 in subsection (b) of this section, any service by a person as
13 Director or Deputy Director of the National Security Agency
14 as such agency existed on the day before the effective date of
15 this title shall not be included.

16 DUTIES OF THE DIRECTOR

17 SEC. 613. (a) It shall be the duty of the Director to—

18 (1) serve as the principal signals intelligence offi-
19 cer of the Government and the executive head of the
20 National Security Agency;

21 (2) ensure that the signals intelligence activities of
22 the United States Government are conducted in ac-
23 cordance with the provisions of this Act and with the
24 Constitution and laws of the United States;

1 (3) direct and manage all cryptologic activities,
2 resources, personnel, and programs of the Agency;

3 (4) organize, maintain, direct, and manage the
4 United States signals intelligence system;

5 (5) in accordance with intelligence policies, needs,
6 and priorities established by the National Security
7 Council and with intelligence requirements and objec-
8 tives promulgated by the director of National Intelli-
9 gence, supervise, formulate and promulgate operational
10 plans, policies, and procedures for the conduct and con-
11 trol of, all signals intelligence collection, processing,
12 reporting, and dissemination activities of the United
13 States Government;

14 (6) ensure that signals intelligence is disseminated
15 promptly and under appropriate security safeguards
16 only to departments and agencies that require such in-
17 telligence for their lawful functions and have been au-
18 thorized by the President to receive such intelligence;

19 (7) serve, under the Secretary of Defense, as the
20 principal communications security officer of the United
21 States Government and ensure that the communica-
22 tions security activities of the United States Govern-
23 ment are conducted in accordance with the provisions
24 of this Act and with the Constitution and laws of the
25 United States;

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1 (8) fulfill the communications security require-
2 ments of all departments and agencies based upon
3 policy guidance from the National Security Council op-
4 erating pursuant to section 142 of this Act;

5 (9) consolidate, as necessary, the signals intelli-
6 gence and the communications security functions of the
7 United States Government for the purpose of achieving
8 overall efficiency, economy, and effectiveness;

9 (10) conduct such research and development in
10 support of signals intelligence and communications se-
11 curity activities as may be necessary to meet the needs
12 of departments and agencies authorized to receive sig-
13 nals intelligence or which require communications se-
14 curity assistance, or delegate responsibility for such re-
15 search and development to other departments or agen-
16 cies, and review research and development conducted
17 by any department or agency in support of signals in-
18 telligence and communications security, except for such
19 research and development in support of the clandestine
20 activities of the Central Intelligence Agency;

21 (11) determine the manpower resources and ad-
22 ministrative support needed by the Agency to conduct
23 effectively its signals intelligence activities and, in ac-
24 cordance with such terms and conditions as shall be
25 mutually agreed upon by the Director of National In-

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1 telligence and the Secretary of Defense, enter into
2 agreements with other departments and agencies for
3 the provision of such manpower resources and adminis-
4 trative support;

5 (12) determine the manpower resources and ad-
6 ministrative support needed by the Agency to conduct
7 effectively its communications security activities, and,
8 based upon guidance from the Secretary of Defense,
9 enter into agreements with other departments and
10 agencies for the provision of such manpower resources
11 and administrative support;

12 (13) review all proposed budgets, programs, and
13 resource allocations for the signals intelligence activi-
14 ties of the United States; prepare a proposed consoli-
15 dated United States signals intelligence program and
16 budget for each fiscal year based upon program and
17 budget guidance from the Secretary of Defense; and
18 with respect to national intelligence activities on pro-
19 gram and budget guidance from the Director of Nation-
20 al Intelligence, and submit each such proposed budget
21 to the Director of National Intelligence and the Secre-
22 tary of Defense;

23 (14) review all proposed programs, budgets, and
24 resource allocations for the communications security
25 activities of the United States Government, prepare a

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1 proposed consolidated Department of Defense commu-
2 nications security program and budget for each fiscal
3 year, and submit each such proposed program and
4 budget to the Secretary of Defense;

5 (15) establish appropriate controls for funds made
6 available to the Agency to carry out its authorized ac-
7 tivities;

8 (16) ensure that cryptologic information is classi-
9 fied in accordance with applicable law and Executive
10 orders;

11 (17) conduct liaison on cryptologic matters with
12 foreign governments and, when such matters involve
13 the responsibilities of the Director of National Intelli-
14 gence under section 115(h), conduct such liaison in co-
15 ordination with the Director of National Intelligence;

16 (18) provide for such communications support and
17 facilities as may be necessary to (A) conduct signals in-
18 telligence activities in a timely and secure manner, and
19 (B) ensure the expeditious handling of critical informa-
20 tion for the United States Government;

21 (19) prescribe all cryptographic systems and tech-
22 niques, other than secret writing systems and covert
23 agent communications systems of the Central Intelli-
24 gence Agency, to be used in any manner by or on
25 behalf of the United States Government and provide

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1 for the centralized production and control of such cryp-
2 tographic systems and materials to be used by the
3 United States Government;

4 (20) evaluate, based, as appropriate, upon guid-
5 ance from the Attorney General, the vulnerability of
6 United States communications to interception and ex-
7 ploitation by unintended recipients and, under the su-
8 pervision of the Secretary of Defense and in accord-
9 ance with policy guidance from the National Security
10 Council operating pursuant to section 142 of this Act,
11 institute appropriate measures to ensure the confiden-
12 tiality of such communications;

13 (21) ensure that the Agency will receive, in a
14 timely fashion, all signals intelligence collected by any
15 entity of the United States Government;

16 (22) develop plans to ensure the responsiveness of
17 the United States signals intelligence system to the
18 needs of the Department of Defense, including the del-
19 egation of such tasking authority as may be appropri-
20 ate;

21 (23) provide the Director of National Intelligence
22 with such information on the activities of the Agency
23 as the Director of National Intelligence requires to ful-
24 fill his statutory responsibilities;

1 (24) provide technical assistance to any other
2 entity of the intelligence community engaged in lawful
3 intelligence activities;

4 (25) issue such rules, regulations, directives, and
5 procedures as may be necessary to implement this title;
6 and

7 (26) perform with respect to the Agency the
8 duties assigned elsewhere in this Act to the head of
9 each entity of the intelligence community.

10 (b) It shall also be the duty of the Director to provide
11 signals intelligence support for the conduct of military oper-
12 ations in accordance with tasking, priorities and standards of
13 timeliness assigned by the Secretary of Defense. If provision
14 of such support requires use of systems for national intelli-
15 gence collection, these systems will be tasked within existing
16 guidance from the Director of National Intelligence.

17 (c) it shall also be the duty of the Director to prescribe
18 and enforce for the United States signals intelligence system
19 and for the communications security activities of the United
20 States Government security rules, regulations, procedures,
21 standards, and requirements with respect to personnel secu-
22 rity clearances, authorizations for access to facilities and in-
23 formation, physical security of facilities, equipment, and in-
24 formation, and the transmission, processing, and reporting of
25 information, in order to protect signals intelligence and com-

1 munications security information from unauthorized diselo-
2 sure. All such rules, regulations, procedures, standards, and
3 requirements shall be in accord with applicable law and with
4 policy guidance from the Director of National Intelligence
5 with respect to signals intelligence activities and the Secre-
6 tary of Defense with respect to communications security
7 activities. Enforcement of all such rules, regulations, proce-
8 dures, standards, and requirements shall be coordinated with
9 the head of each concerned department or agency.

10 (d) To assist the Director in the fulfillment of his respon-
11 sibilities under this section, the heads of all departments and
12 agencies shall furnish the Director, upon request and in ac-
13 cordance with applicable law, such data as the Director may
14 require and the Director shall take appropriate steps to main-
15 tain the confidentiality of any information which is so pro-
16 vided.

17 GENERAL COUNSEL; INSPECTOR GENERAL

18 SEC. 614. (a) There shall be a General Counsel of the
19 National Security Agency appointed by the President, by and
20 with the advice and consent of the Senate, who shall dis-
21 charge the responsibilities of general counsel under this Act
22 for the Agency.

23 (b) There shall be an Inspector General of the national
24 Security Agency, appointed by the Director, who shall dis-

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1 charge the responsibilities of inspector general under this Act
2 for the Agency.

3 ~~PART C—GENERAL AND SPECIAL AUTHORITIES OF THE~~
4 ~~AGENCY; AUTHORIZATION FOR APPROPRIATIONS~~

5 ~~GENERAL AUTHORITIES OF THE AGENCY~~

6 ~~SEC. 621. (a) In carrying out its functions under this~~
7 ~~Act, the Agency is authorized to—~~

8 (1) transfer to and receive from other departments
9 and agencies funds for the sole purpose of carrying out
10 functions authorized by this title, subject to the approv-
11 al of the Director of the Office of Management and
12 Budget;

13 (2) exchange funds without regard to the provi-
14 sions of section 3651 of the Revised Statutes (31
15 U.S.C. 543);

16 (3) reimburse other departments and agencies of
17 the Government for personnel assigned or loaned to
18 the Agency and services furnished to the Agency;

19 (4) rent any premises within or outside the United
20 States necessary to carry out any function of the
21 Agency authorized under this title, and make such al-
22 terations, improvements, and repairs to the premises
23 of, or rented by, the Agency as may be necessary
24 without regard to any limitation prescribed by law if
25 the Director makes a written finding that waiver of

1 such limitation otherwise applicable to the renting, al-
2 teration, improvement, or repair, as the case may be,
3 is necessary to the successful performance of the Agen-
4 cy's functions or the security of its activities;

5 (5) lease buildings to the Government without
6 regard to the limitations prescribed in section 322 of
7 the Act entitled "An Act making appropriations for the
8 legislative branch of the Government for the fiscal year
9 ending June 30, 1933, and for other purposes", ap-
10 proved June 30, 1932 (40 U.S.C. 278a) or the provi-
11 sions of section 2675 of title 10, United States Code;

12 (6) acquire, construct, or alter buildings and facili-
13 ties (including family and bachelor housing in foreign
14 countries only) without regard to the Public Buildings
15 Act of 1950 (40 U.S.C. 601-615) or section 2682 of
16 title 10, United States Code;

17 (7) repair, operate, and maintain buildings, utili-
18 ties, facilities, and appurtenances;

19 (8) conduct health-service programs as authorized
20 by section 7901 of title 5, United States Code;

21 (9) in accordance with regulations approved by
22 the Director, transport officers and employees of the
23 Agency in Government-owned automotive equipment
24 between their domiciles and places of employment
25 where such personnel are engaged in work that makes

1 such transportation necessary, and transport in such
2 equipment, to and from school, children of Agency per-
3 sonnel who have quarters for themselves and their
4 families at isolated stations outside the continental
5 United States where adequate public or private trans-
6 portation is not available;

7 (10) settle and pay claims of civilian and military
8 personnel, as prescribed in Agency regulations consist-
9 ent with the terms and conditions by which claims are
10 settled and paid under the Military Personnel and Ci-
11 vilian Employees' Claims Act of 1964 (31 U.S.C.
12 240-243);

13 (11) pay, in accordance with regulations approved
14 by the Director, expenses of travel in connection with,
15 and expenses incident to attendance at meetings of
16 professional, technical, scientific, and other similar or-
17 ganizations when such attendance would be a benefit
18 to the conduct to the work of the Agency;

19 (12) establish, furnish, and maintain, in coordina-
20 tion with the Director of National Intelligence, secure
21 cover for Agency officers, employees, agents and activ-
22 ities;

23 (13) direct the transfer or disposal, on a nonreim-
24 bursable basis and after coordination with the head of
25 the department or agency involved, and in cases in-

1 volving the responsibilities of the Director of National
2 Intelligence under section, 304(h), the Director of Na-
3 tional Intelligence, of such cryptologic and cryptologic-
4 related equipment and supplies among entities of the
5 intelligence community and between entities of the in-
6 telligence community and departments and agencies as
7 may be necessary for performance of the functions au-
8 thorized by this title, and the loan, transfer, or disposal
9 of such equipment and supplies to foreign countries for
10 cryptologic support, and pay expenses of arrangements
11 with foreign countries for cryptologic support;

12 (14) perform inspection, audit, public affairs, legal,
13 and legislative services;

14 (15) protect, in accordance with standards estab-
15 lished by the Director of National Intelligence under
16 section 304 of this Act and with any other applicable
17 statute or Executive order, materials and information
18 related to intelligence sources and methods;

19 (16) perform such additional functions as are oth-
20 erwise authorized by this Act to be performed by each
21 entity of the intelligence community;

22 (17) exercise such other authorities available to
23 the Secretary of Defense as may be delegated by the
24 Secretary of Defense to the Agency; and

1 (18) maintain and operate a permanent full-scale
2 printing plant for the production of cryptologic and
3 cryptologic-related materials, and lease or purchase
4 and maintain and operate computer and communica-
5 tions equipment to carry out authorized functions.

6 (b) The authority contained in clause (12) of subsection
7 (a) shall, except as otherwise provided in this Act, be availa-
8 ble to the Agency notwithstanding any other provision of law
9 and shall not be modified, limited, suspended, or superseded
10 by any provision of law enacted after the effective date of this
11 title unless such provision expressly cites clause (12) of sub-
12 section (a) and specifically indicates how such authority is to
13 be so modified, limited, suspended, or superseded.

14 (c) Notwithstanding the provisions of section 3678 of
15 the Revised Statutes (31 U.S.C. 628) any department or
16 agency may transfer to or receive from the Agency any sum
17 of money approved by the Director of National Intelligence
18 and the Director of the Office of Management and Budget for
19 use in support of foreign cryptologic liaison and support func-
20 tions authorized by this title.

21 (d) The Agency may use as its seal of office the insignia
22 used by the Agency prior to the effective date of this title and
23 judicial notice shall be taken of such seal.

24 (e) The Director may employ, contract, or arrange with
25 another Government agency for the assignment of security

1 officers to police the installations and grounds under the con-
2 trol of or used by the Agency, and to perform courier escort
3 duties and such security officers shall have the same powers
4 as sheriffs and constables for the protection of persons and
5 property, to prevent breaches of the peace, to suppress af-
6 frays or unlawful assemblies, and to enforce any rule or regu-
7 lation the Director may promulgate for the protection of such
8 installations and grounds. The jurisdiction and police powers
9 of such security officers shall not, however, extend to the
10 civil process.

11 (f) The Director may authorize Agency personnel to
12 carry firearms within the United States for courier protection
13 purposes, for the protection of the Director and Deputy Di-
14 rector, and in exigent circumstances, such officials of the
15 Agency as the Director may designate, and for the protection
16 of any foreign person visiting the United States under
17 Agency auspices.

18 (g)(1) The Agency may appoint, promote, and separate
19 such personnel or contract for such personnel services as it
20 deems advisable, without regard to the provisions of title 5,
21 United States Code, governing appointments to, promotions
22 in, and separations from the civil service, and without regard
23 to the limitations on types of persons to be employed, and fix
24 the compensation of such personnel without regard to the
25 provisions of chapter 51 and subchapter III and IV of chap-

1 ter 53 of that title, relating to classification and General
2 Schedule pay rates, but at rates not in excess of the maxi-
3 mum pay authorized senior executive service by subchapter
4 VIII of chapter 53 of title 5, United States Code.

5 (2) Executive schedule positions within the Agency
6 other than the Director, Deputy Director, General Counsel,
7 and Inspector General, and positions in the grades of GS-16,
8 GS-17, and GS-18, other than those transferred to the
9 Agency under this Act shall be as authorized by law.

10 (3) Any Agency officer or employee who has been sepa-
11 rated under paragraph (1) may seek or accept employment in
12 the Government if declared eligible for such employment by
13 the Office of Personnel Management; and that office may
14 place such officer or employee in a position in the competitive
15 civil service in the same manner as an employee who is
16 transferred between two positions in the competitive service,
17 but only if such Agency officer or employee has served with
18 the Agency for at least one year continuously immediately
19 preceding such separation.

20 PROCUREMENT AUTHORITY

21 SEC. 622: (a) The Agency is authorized to procure such
22 property, supplies, services, equipment, and facilities as may
23 be necessary to carry out its functions under this title.

24 (b) The provisions of chapter 137, relating to the pro-
25 curement of property and services, and chapter 139, relating

1 to the procurement of research and development services, of
2 title 10, United States Code, shall apply to the procurement
3 of property, services, and research and development services
4 by the Agency in the same manner and to the same extent
5 such chapters apply to the procurement of property, services,
6 and research and development services by the agencies
7 named in section 2303(a) of such title, except that the Direc-
8 tor is authorized, with the approval of the Secretary of De-
9 fense and, in the case of any national intelligence activity,
10 the Director of National Intelligence, to waive the applica-
11 tion of any or all of the provisions of chapters 137 and 139 of
12 such title when the Director deems such action necessary to
13 the successful performance of any function of the Agency or
14 to protect the security of activities of the Agency.

15 (e) The Agency is authorized, notwithstanding any other
16 provision of law, to procure property, goods, or services in
17 the name of the Department of Defense when public knowl-
18 edge of the Agency's sponsorship of such procurement would
19 inhibit or interfere with the secure conduct of an authorized
20 Agency function. Any participation of the Department of De-
21 fense in Agency procurement may also be concealed, in ac-
22 cordance with section 139 of this Act but notwithstanding
23 any other provision of law, when the Director finds such con-
24 cealment necessary to protect the secure conduct of an au-
25 thorized Agency function.

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1 EDUCATION AND TRAINING

2 SEC. 623. The Director is authorized to establish and
3 insure compliance with standards for training necessary to
4 accomplish the cryptologic missions of the Government and
5 to arrange for, fund, or provide training as may be necessary
6 to accomplish the lawful functions of the Agency. The provi-
7 sions of chapter 41 of title 5, United States Code, shall be
8 applicable in the conduct of such training, except that the
9 Director is authorized to waive the application of any or all
10 such provisions if the Director deems such action necessary
11 because of the unique mission and function of the Agency.

12 AUTHORIZATIONS FOR APPROPRIATIONS AND
13 EXPENDITURES

14 SEC. 624. (a) Notwithstanding any other provision of
15 law, funds made available to the Agency by appropriation or
16 otherwise may be expended for purposes necessary to carry
17 out the lawful functions of the Agency. No funds may be
18 appropriated for any fiscal year beginning after September
19 30, 1980, for the purpose of carrying out any activity of the
20 Agency unless funds for such activity have been authorized
21 by legislation enacted during the same or one of the two
22 immediately preceding fiscal years, except that this limitation
23 shall not apply to funds appropriated by any continuing reso-
24 lution or required by pay raises.

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1 (b)(1) The Secretary of Defense may make funds availa-
2 ble to the Agency for the purpose of meeting confidential,
3 emergency, or extraordinary expenses of the Agency, but any
4 funds made available to the Agency by the Secretary of De-
5 fense for such a purpose may be made available only from
6 funds appropriated to the Secretary of Defense for the spe-
7 cific purpose of meeting confidential, emergency, or extraor-
8 dinary expenses.

9 (2) Any funds made available to the Agency by the Sec-
10 retary of Defense for meeting confidential, emergency, and
11 extraordinary expenses may be used only to meet the ex-
12 penses specified by the Secretary of Defense. The expendi-
13 ture of such funds shall be accounted for solely on the certifi-
14 cate of the Director and every such certificate shall be
15 deemed a sufficient voucher for the amount certified therein,
16 but such expenditures may be made only for activities author-
17 ized by this title or other law.

18 PART D—TRAVEL AND OTHER EXPENSES; SPECIAL
19 FACILITIES; RETIREMENT SYSTEM
20 TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES
21 FOR CERTAIN AGENCY PERSONNEL

22 SEC. 631. (a) As used in this section "employee" does
23 not include, unless otherwise specifically indicated, any
24 person working for the Agency under a contract or any
25 person who when initially employed is a resident in or a citi-

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1 zen of a foreign country in which the station at which such
2 person is to be assigned to duty is located.

3 (b) Under such regulations as the Director, in consulta-
4 tion with the Director of National Intelligence, may approve
5 the Agency may, with respect to employees assigned to duty
6 stations outside the United States, provide allowances and
7 other benefits in the same manner and under the same cir-
8 cumstances such allowances and other benefits are provided
9 employees of the Foreign Service under title IX of the For-
10 eign Service Act of 1946 (22 U.S.C. 1131-1160), and death
11 gratuities in the same manner and under the same circum-
12 stances such gratuities are provided employees of the Foreign
13 Service under section 14 of the Act entitled "An Act to pro-
14 vide certain basic authority for the Department of State",
15 approved August 1, 1956 (22 U.S.C. 2679a).

16 (c) Whenever any provision of law relating to travel and
17 related expenses or death gratuities of employees of the For-
18 eign Service is enacted after the date of enactment of this
19 Act, is not enacted as an amendment to one of the provisions
20 referred to in subsection (b) of this section, and the Director
21 determines that it would be appropriate for the purpose of
22 maintaining conformity between provisions of law relating to
23 travel and related expenses and death gratuities of the For-
24 eign Service and provisions of law and the Central Intelli-
25 gence Agency and provisions of law relating to travel and

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1 related expenses and death gratuities of employees of the
2 Agency, the President may, by Executive order, extend in
3 whole or in part to employees of the Agency the allowances
4 and benefits applicable to employees of the Foreign Service
5 by such provision of law, where such allowances and benefits
6 have been extended to employees of the Central Intelligence
7 Agency by the Director of that Agency pursuant to section
8 431(e) of this Act.

9 (d) Notwithstanding the provisions of subsections (b) and
10 (e), and under such regulations as the Director, in consulta-
11 tion with the Director of National Intelligence, shall approve,
12 the Agency may pay expenses, benefits, and allowances
13 equivalent to those specifically authorized in subsections (b)
14 and (e) in any case in which the Director determines that, for
15 reasons of operational necessity or security, the means or
16 method of paying expenses, benefits, and allowances author-
17 ized in such subsections should not be utilized.

18 COMMISSARY AND MESS SERVICES AND RECREATION

19 FACILITIES

20 SEC. 632. (a) The Director is authorized to establish
21 and maintain emergency commissary and mess services in
22 such places outside the United States and in Alaska where,
23 in the Director's judgment, such services are necessary to
24 ensure the effective and efficient performance of the duties
25 and responsibilities of the Agency, but only if such services

1 are not otherwise available from other departments and agen-
2 cies of the Government. An amount equal to the amount ex-
3 pended for any such services shall be returned to the Treas-
4 ury as miscellaneous receipts.

5 (b) The Director is authorized to assist in the establish-
6 ment, maintenance, and operation, by officers and employees
7 of the Agency, of non-Government operated commissary and
8 mess services and recreation facilities at certain posts abroad,
9 including the furnishing of space, utilities, and properties
10 owned or leased by the United States for use by the Agency.
11 Commissary and mess services and recreation facilities estab-
12 lished pursuant to this subsection shall be made available,
13 insofar as practicable, to officers and employees of other
14 Government agencies, employees of Government contractors,
15 and their families who are stationed outside the United
16 States or in Alaska. Such services and facilities shall not be
17 established in localities where another department or agency
18 operates similar services or facilities unless the Director de-
19 termines that such additional services or facilities are neces-
20 sary.

21 (c) Notwithstanding any other provision of law, charges
22 at any post outside the United States or in Alaska by a com-
23 missary or mess service or recreation facility authorized or
24 assisted under this section shall be at the same rate for all
25 civilian and military personnel of the Government serviced

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1 thereby, and all charges for supplies furnished to such a fa-
2 cility by any department or agency shall be at the same rate
3 as that charged by the furnishing department or agency to its
4 civilian or military commissary or mess services or recreation
5 facilities.

6 **RETIREMENT SYSTEM**

7 **SEC. 633.** Employees of the Agency shall participate in
8 the regular Federal Civil Service Retirement System pro-
9 vided for under subchapter III of chapter 83 of title 5, United
10 States Code, except that title 5 of the United States Code is
11 amended as follows to provide for the participation of certain
12 Agency employees in such system under special conditions:

13 (a) Section 8334 of title 5, United States Code, is
14 amended by adding at the end thereof the following:

15 “(i) The National Security Agency will annually reim-
16 burse the fund for additional expenditures incurred as a result
17 of retirement of employees under section 8336(i) of this
18 title.”

19 (b) Section 8336 of title 5, United States Code, is
20 amended by adding the following new subsection (h) and re-
21 numbering present subsection (h) as subsection (i):

22 “(h) An employee of the National Security Agency who
23 has completed 15 years of service outside the United States,
24 or in training therefor, in duties determined by the Director,
25 National Security Agency to be either hazardous to life or

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1 health or so specialized because of security requirements as
2 to be clearly distinguishable from normal Government em-
3 ployment is entitled to an annuity after becoming 50 years of
4 age and completing 20 years of service.”.

5 (e) Section 8339 of title 5, United States Code, is
6 amended to add the following new subsection (q):

7 “(q) The annuity of an employee retiring under section
8 8336(h) of this title is to be computed in accordance with
9 section 221 of the Central Intelligence Agency Retirement
10 Act of 1964, as amended.”.

11 (d) Section 8347(d) of title 5, United States Code, is
12 amended to read as follows:

13 “(d) An administrative action or order affecting the
14 rights or interests of an individual or of the United States
15 under this subchapter may be appealed to the Commission
16 under procedures prescribed by the Commission, except that
17 any action affecting an employee who retires under section
18 8336(i) of this title may be appealed only to the Secretary of
19 Defense, whose decision is final and conclusive and is not
20 subject to review.”.

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1 ~~PART E—SPECIAL DELEGATION OF AUTHORITY; PRES-~~
2 ~~ERVATION OF CERTAIN AUTHORITY AND RESPONS-~~
3 ~~BILITY~~

4 ~~SPECIAL DELEGATION AUTHORITY; MISCELLANEOUS~~
5 ~~PRESERVATION OF AUTHORITY AND RESPONSIBILITY~~

6 SEC. 641. (a) In exercising control over all signals intel-
7 ligence activities of the United States, the Director shall
8 make special provision for the delegation of operational con-
9 trol of specified signals intelligence activities required to pro-
10 vide signals intelligence direct support to military command-
11 ers or the heads of other departments and agencies of the
12 Government. Such special provision shall be made for such
13 period and for such activities as the Director determines to be
14 appropriate.

15 (b) Nothing in this title shall contravene the responsibil-
16 ities of any department or agency for the final evaluation of
17 signals intelligence, the synthesis of such intelligence with
18 intelligence from other sources, or the dissemination of fin-
19 ished intelligence to users in accordance with prescribed se-
20 curity procedures.

21 (c) Nothing in this title shall contravene the authorized
22 functions of any department or agency to organize and con-
23 duct individual communications security activities other than
24 the development of cryptographic systems, devices, equip-
25 ment, and procedures. Each department and agency con-

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1 earned shall be responsible for implementing all measures re-
2 quired to assure communications security in accordance with
3 security rules, regulations, procedures, standards, and re-
4 quirements prescribed by the Director under the authority of
5 section 612(b) of this Act.

6 (d)(1) Nothing in this title shall contravene the authority
7 of the Central Intelligence Agency to conduct, as approved
8 by the Director of National Intelligence after review by the
9 Director, clandestine signals intelligence operations in sup-
10 port of clandestine activities; to conduct, in coordination with
11 the Director, clandestine operations designed to achieve sig-
12 nals intelligence objectives; and to prescribe unique commu-
13 nications security methods and procedures, after review by
14 the Director, in support of clandestine activities.

15 (2) Nothing in this title shall be construed to require the
16 disclosure of information that reveals the operational details
17 of any clandestine activities conducted by the Central Intelli-
18 gence Agency, including any intelligence sources and meth-
19 ods involved in such activities.

20 (e) All elements of the United States signals intelligence
21 system shall conduct signals intelligence activities in re-
22 sponse to operational tasks assigned by the Director and in
23 accordance with directives issued by the Director. Except as
24 authorized in subsection (a), no organization outside the
25 United States signals intelligence system may engage in sig-

1 nals intelligence activities unless specifically authorized to do
2 so by the National Security Council.

3 (f) Nothing in this title shall be construed as amending
4 or superseding the provisions of the Act entitled "An Act to
5 provide certain administrative authorities for the National
6 Security Agency, and for other purposes", approved May 29,
7 1950 (73 Stat. 63; 50 U.S.C. 402 note), section 24(a) of the
8 Act of October 31, 1951 (65 Stat. 719; 18 U.S.C. 798); and
9 of the Act entitled "Personnel security procedures in the Na-
10 tional Security Agency", approved September 23, 1950 (78
11 Stat. 168; 50 U.S.C. 831-835).

12 (g) The provisions of sections 2 and 3 of the Act entitled
13 "An Act to fix the responsibilities of disbursing and certifying
14 officers, and for other purposes", approved December 29,
15 1941 (55 Stat. 875; 31 U.S.C. 82), shall apply to certifica-
16 tions for payments and to payments made by or on behalf of
17 the National Security Agency by certifying officers and em-
18 ployees and by disbursing officers and employees under the
19 jurisdiction of any military department, notwithstanding the
20 provisions of section 4 of such Act (31 U.S.C. 82e).

21 **PART F—TRANSFER OF PERSONNEL, PROPERTY, AND**
22 **FUNCTIONS**

23 **TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS**

24 **SEC. 651.** (a) All positions established in and personnel
25 employed by the National Security Agency, as in effect on

1 the day before the effective date of this title, and all obliga-
2 tions, contracts, properties, and records employed, held, or
3 used primarily in connection with any function to be per-
4 formed by the Agency under this title, are transferred to the
5 Director.

6 (b) All orders, determinations, rules, regulations, per-
7 mits, contracts, certificates, licenses, and privileges which
8 have become effective in the exercise of functions transferred
9 under this title and which are in effect on the day before the
10 effective date of this title, shall continue in effect until modi-
11 fied, terminated, superseded, set aside, or repealed by the
12 Director, or other appropriate Agency officials, by any court
13 of competent jurisdiction, or by operation of law.

14 (c) The provisions of this title shall not affect any pro-
15 ceedings pending before the National Security Agency as in
16 effect prior to the effective date of this title.

17 (d) No suit, action, or other proceeding begun by or
18 against any officer in that officer's official capacity in the
19 National Security Agency, as in effect prior to the effective
20 date of this title, shall abate by reason of enactment of this
21 title.

22 (e) With respect to any function transferred by this title
23 and exercised after the effective date of this title, reference in
24 any other Federal law to any department, agency, office, or
25 part thereof shall be deemed to refer to the department,

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1 agency, or office in which such function is vested pursuant to
2 this title.

3 ~~TITLE VII—PROTECTION OF IDENTITIES OF~~
4 ~~CERTAIN UNDERCOVER INTELLIGENCE OF-~~
5 ~~FICERS, AGENTS, INFORMANTS, AND~~
6 ~~SOURCES~~

7 ~~CRIMINAL PENALTY~~

8 ~~SEC. 701. (a) Whoever, having or having had author-~~
9 ~~ized access to classified information that—~~

10 ~~(1) identifies as an officer or employee of an intel-~~
11 ~~ligence agency, or as a member of the Armed Forces~~
12 ~~assigned to duty with an intelligence agency, any indi-~~
13 ~~vidual (A) who in fact is such an officer, employee, or~~
14 ~~member, (B) whose identity as such an officer, employ-~~
15 ~~ee, or member is classified information, and (C) who is~~
16 ~~serving outside the United States or has within the last~~
17 ~~five years served outside the United States; or~~

18 ~~(2) identifies as being or having been an agent of,~~
19 ~~or informant or source of operational assistance to, an~~
20 ~~intelligence agency any individual (A) who in fact is or~~
21 ~~has been such an agent, informant, or source, and (B)~~
22 ~~whose identity as such an agent, informant, or source~~
23 ~~is classified information,~~

24 ~~intentionally discloses to any individual not authorized to re-~~
25 ~~ceive classified information any information that identifies an~~

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1 individual described in paragraph (1) or (2) as such an officer,
2 employee, or member or as such an agent, informant, or
3 source, knowing or having reason to know that the informa-
4 tion disclosed so identifies such individual and that the United
5 States is taking affirmative measures to conceal such individ-
6 ual's intelligence relationship to the United States, shall be
7 fined not more than \$50,000 or imprisoned not more than ten
8 years, or both.

9 (b) It is a defense to a prosecution under subsection (a)
10 of this section that before the commission of the offense with
11 which the defendant is charged, the United States had public-
12 ly acknowledged or revealed the intelligence relationship to
13 the United States of the individual the disclosure of whose
14 intelligence relationship to the United States is the basis for
15 the prosecution.

16 (c) No person other than a person committing an offense
17 under subsection (a) of this section shall be subject to pros-
18 ecution under such subsection by virtue of section 2 or 4 of
19 title 18, United States Code, or shall be subject to prosecu-
20 tion for conspiracy to commit an offense under such subsec-
21 tion.

22 (d) It shall not be an offense under subsection (a) of this
23 section to transmit information described in such subsection
24 directly to the House Permanent Select Committee on Intel-
25 ligence or to the Senate Select Committee on Intelligence.

1 (e) There is jurisdiction over an offense under subsection
2 (a) of this section committed outside the United States if the
3 individual committing the offense is a citizen of the United
4 States.

5 (f) Nothing in this section shall be construed as authori-
6 ty to withhold information from Congress or from a commit-
7 tee of either House of Congress.

8 (g) As used in this section—

9 (1) The term “classified information” means infor-
10 mation or material designated and clearly marked or
11 clearly represented, pursuant to the provisions of a
12 statute or Executive order (or a regulation or order
13 issued pursuant to a statute or Executive order), as re-
14 quiring a specific degree of protection against unau-
15 thorized disclosure for reasons of national security.

16 (2) The term “authorized”, when used with re-
17 spect to access to classified information, means having
18 authority, right, or permission pursuant to the provi-
19 sions of a statute, Executive order, directive of the
20 head of any department or agency engaged in foreign
21 intelligence or counterintelligence activities, order of a
22 United States district court, or provisions of any rule
23 of the House of Representatives or resolution of the
24 Senate which assigns responsibility within the respec-

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1 tive House of Congress for the oversight of intelligence
2 activities.

3 (3) The term "disclose" means to communicate,
4 provide, impart, transmit, transfer, convey, publish, or
5 otherwise make available.

6 (4) The term "intelligence agency" means the
7 Central Intelligence Agency or any intelligence compo-
8 nent of the Department of Defense.

9 (5) The term "informant" means any individual
10 who furnishes or has furnished information to an intel-
11 ligence agency in the course of a confidential relation-
12 ship protecting the identity of such individual from
13 public disclosure.

14 (6) The terms "agent", "informant", and "source
15 of operational assistance" do not include individuals
16 who are citizens of the United States residing within
17 the United States.

18 (7) The terms "officer" and "employee" have the
19 meanings given such terms by sections 2104 and 2105,
20 respectively, of title 5, United States Code.

21 (8) The term "Armed Forces" means the Army,
22 Navy, Air Force, Marine Corps, and Coast Guard.

23 (9) The term "United States" when used in a ge-
24 ographic sense, means all areas under the territorial

1 sovereignty of the United States and the Trust Terri-
2 tory of the Pacific Islands.

3 PRESIDENTIAL RESPONSIBILITY

4 SEC. 702. The President shall ensure that each person
5 who has authorized access to the types of classified informa-
6 tion described in sections 701 (a)(1) and (a)(2) be informed of
7 the provisions of section 701.

8 TITLE VIII—PHYSICAL SEARCHES WITHIN THE
9 UNITED STATES

10 AMENDMENTS TO THE FOREIGN INTELLIGENCE

11 SURVEILLANCE ACT

12 SEC. 801. The Foreign Intelligence Surveillance Act of
13 1978 (92 Stat. 1783) is amended as follows:

14 (1) The statement of purpose is amended by inserting
15 “physical searches and” after “authorize”.

16 (2) The title is amended by inserting “SEARCH AND”
17 before “SURVEILLANCE”.

18 (3) The table of contents is amended to read as follows:

“TITLE I—PHYSICAL SEARCH AND ELECTRONIC SURVEILLANCE
 WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE
 PURPOSES

“Sec. 101. Definitions.

“Sec. 102. Authorization for physical search and electronic surveillance for foreign
 intelligence purposes.

“Sec. 103. Designation of judges.

“Sec. 104. Application for an order.

“Sec. 105. Issuance of an order.

“Sec. 106. Use of information.

“Sec. 107. Report of physical search and electronic surveillance.

“Sec. 108. Congressional oversight.

“Sec. 109. Penalties.

“Sec. 110. Civil liability.

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"Sec. 111. Authorization during time of war.

~~"TITLE II—CONFORMING AMENDMENTS~~

"Sec. 201. Amendments to chapter 119 of title 18, United States Code.

~~"TITLE III—EFFECTIVE DATE~~

"Sec. 301. Effective date."

1 (4) The title of title I is amended by inserting "~~PHYSI-~~
2 ~~CAL SEARCH AND~~" before "~~ELECTRONIC~~".

3 (5) Section 101(h) is amended by striking "with respect
4 to electronic surveillance".

5 (6) Section 101(h)(1) is amended by inserting "search
6 or" after "particular".

7 (7) Section 101(h)(4) is amended to read as follows:

8 "~~(4) notwithstanding paragraphs (1), (2), and~~
9 ~~(3), with respect to any physical search or elec-~~
10 ~~tronic surveillance approved pursuant to section~~
11 ~~102(a), procedures that require that, for a physical~~
12 ~~search, no information that concerns a United~~
13 ~~States person, and for a surveillance, no contents~~
14 ~~of any communication to which a United States~~
15 ~~person is a party, shall be disclosed, disseminated,~~
16 ~~or used for any purpose or retained for longer~~
17 ~~than twenty-four hours unless a court order under~~
18 ~~section 105 is obtained or unless the Attorney~~
19 ~~General determines that the information indicates~~
20 ~~a threat of death or serious bodily harm to any~~
21 ~~person.~~".

1 (8) Section 101(k) is amended to read as follows:

2 “(k) ‘Aggrieved person’ means a person who is
3 the target of physical search or electronic surveillance
4 or any other person whose communications, activities,
5 property, or mail were subject to physical search or
6 electronic surveillance.”.

7 (9) Section 101 is amended by adding at the end thereof
8 the following new provision:

9 “(p) ‘Physical search’ means any search of prop-
10 erty that is located in the United States and any open-
11 ing of mail in the United States or in United States
12 postal channels, under circumstances in which a person
13 has a reasonable expectation of privacy and a warrant
14 would be required for law enforcement purposes.”.

15 (10) The title of section 102 is amended to read as fol-
16 lows: “AUTHORIZATION FOR PHYSICAL SEARCH
17 AND ELECTRONIC SURVEILLANCE FOR FOREIGN
18 INTELLIGENCE PURPOSES”.

19 (11) Section 102(a)(1) is amended to read as follows:

20 “Sec. 102. (a)(1) Notwithstanding any other law, the
21 President, through the Attorney General, may authorize
22 physical search or electronic surveillance without a court
23 order under this title to acquire foreign intelligence informa-
24 tion for periods of up to one year if the Attorney General
25 certifies in writing under oath that—

1 “(A) the physical search is directed solely at prop-
2 erty or premises under the open and exclusive control
3 of a foreign power, as defined in section 101(a) (1), (2),
4 or (3), and no property or mail of a known United
5 States person may be seized;

6 “(B) the electronic surveillance is solely directed
7 at—

8 “(i) the acquisition of the contents of commu-
9 nications transmitted by means of communications
10 used exclusively between or among foreign
11 powers, as defined in section 101(a) (1), (2), or
12 (3); or

13 “(ii) the acquisition of technical intelligence,
14 other than the spoken communications of individ-
15 uals, from property or premises under the open
16 and exclusive control of a foreign power, as de-
17 fined in section 101(a) (1), (2), or (3);

18 “(C) there is no substantial likelihood that the
19 search will involve the property or mail of a United
20 States person or the surveillance will acquire the con-
21 tents of any communication to which a United States
22 person is a party; and

23 “(D) the proposed minimization procedures with
24 respect to such search or surveillance meet the defini-

1 tion of minimization procedures under section 101(h);
2 and
3 if the Attorney General reports such minimization procedures
4 and any changes thereto to the House Permanent Select
5 Committee on Intelligence and the Senate Select Committee
6 on Intelligence at least thirty days prior to their effective
7 date, unless the Attorney General determines immediate
8 action is required and notifies the committees immediately of
9 such minimization procedures and the reason for their becoming
10 effective immediately.”

11 (12) Section 102(a)(2) is amended by striking “An electronic surveillance” and inserting in lieu thereof “A physical search or electronic surveillance”.

14 (13) Section 102(a)(3)(B) is amended by inserting
15 “search or” before “surveillance”.

16 (14) Section 102(a)(4) is amended by inserting “physical
17 search or” after “With respect to”.

18 (15) Section 102(a)(4)(A) is amended by inserting
19 “physical search or” before “electronic surveillance”.

20 (16) Section 102(a)(4)(B) is amended by inserting
21 “search or” before “surveillance”.

22 (17) Section 102(a) is amended by adding a new subsection
23 as follows:

24 “(5) The Attorney General may authorize physical
25 entry of property or premises under the open and exclusive

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1 control of a foreign power, as defined in section 101(a) (1),
2 (2), or (3), for the purpose of installing, repairing, or remov-
3 ing any electronic, mechanical, or other surveillance device
4 used in conjunction with an electronic surveillance authorized
5 by this subsection.”.

6 (18) Section 102(b) is amended to read as follows:

7 “(b) Applications for a court order under this title are
8 authorized if the President has, by written authorization, em-
9 powered the Attorney General to approve applications to the
10 court having jurisdiction under section 103, and a judge to
11 whom an application is made may, notwithstanding any other
12 law, grant an order in conformity with section 105, approv-
13 ing physical search or electronic surveillance of a foreign
14 power or an agent of a foreign power for the purpose of ob-
15 taining foreign intelligence information, except that the court
16 shall not have jurisdiction to grant any order approving phys-
17 ical search or electronic surveillance directed solely as de-
18 scribed in subsection (a) unless such physical search or sur-
19 veillance may involve the property or acquisition of commu-
20 nications of any United States person.”.

21 (19) Section 103(a) is amended by inserting “Physical
22 search or” before all appearances of “electronic surveil-
23 lance”.

24 (20) Section 104(a) is amended by inserting “Physical
25 search or” after “approving” in the first sentence.

1 (21) Section 104(a)(3) is amended by inserting "or the
2 property or mail subject to the physical search" after "sur-
3 veillance".

4 (22) Section 104(a)(4)(A) is amended by inserting
5 "physical search or" before "electronic surveillance".

6 (23) Section 104(a)(4)(B) is amended to read as follows:

7 "(B) each of the facilities, places, or items of
8 property or mail at which the physical search or
9 electronic surveillance is directed is the property
10 or mail of, or is being used by, or is about to be
11 used by, a foreign power or an agent of a foreign
12 power;"

13 (24) Section 104(a)(6) is amended by inserting "or the
14 items of property or mail to be subjected to the search" after
15 "surveillance".

16 (25) Section 104(a)(7)(B) is amended by inserting
17 "search or" before "surveillance".

18 (26) Section 104(a)(8) is amended by inserting "search
19 or" before both appearances of "surveillance".

20 (27) Section 104(a)(9) is amended by inserting "proper-
21 ty," after "persons,"

22 (28) Section 104(a)(10) is amended to read as follows:

23 "(10) a statement of the period of time which the
24 physical search will encompass or for which the elec-
25 tronic surveillance is required to be maintained, and if

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1 the nature of the intelligence gathering is such that the
2 approval of the use of physical search or electronic sur-
3 veillance under this title should not automatically ter-
4 minate when the described type of information has first
5 been obtained; a description of facts supporting the
6 belief that additional information of the same type will
7 be obtained thereafter; and”.

8 (29) Section 104(b) is amended to read as follows:

9 “(b) Whenever the target of the physical search or elec-
10 tronic surveillance is a foreign power, as defined in section
11 101(a) (1), (2), or (3), and each of the facilities, places, or
12 items of property at which the search or surveillance is di-
13 rected is owned, leased, exclusively used, or openly and ex-
14 clusively controlled by that foreign power, the application
15 need not contain the information required by paragraphs (6),
16 (7)(E), (8), and (11) of subsection (a), but shall state whether
17 physical entry is required to effect the search or surveillance
18 and shall contain such information about the search or sur-
19 veillance techniques and communications or other information
20 concerning United States persons likely to be obtained as
21 may be necessary to assess the proposed minimization proce-
22 dures.”.

23 (30) Section 105(a) is amended by striking “approving
24 the electronic surveillance” and inserting in lieu thereof “ap-
25 proving the physical search or electronic surveillance”.

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1 (31) Section 105(a)(1) is amended by inserting "physical
2 search or" before "electronic surveillance".

3 (32) Section 105(a)(3)(A) is amended by inserting
4 "physical search or" before "electronic surveillance".

5 (33) Section 105(a)(3)(B) is amended to read as follows:

6 "(B) each of the facilities, places, or items of
7 property or mail at which the physical search or
8 electronic surveillance is directed is the property
9 or mail of, is being used by, or is about to be used
10 by, a foreign power or an agent of a foreign
11 power;"

12 (34) Section 105(b) is amended by inserting "physical
13 search or" after "approving".

14 (35) Section 105(b)(1)(A) is amended by inserting
15 "physical search or" before "electronic surveillance".

16 (36) Section 105(b)(1)(B) is amended by striking "at
17 which the" and inserting in lieu thereof "or items of property
18 or mail at which the physical search or".

19 (37) Section 105(b)(1)(C) is amended to read as follows:

20 "(C) the type of information sought to be re-
21 quired and the type of communications, activities,
22 or property to be subjected to the search or sur-
23 veillance;"

24 (38) Section 105(b)(1)(D) is amended to read as follows:

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1 “(D) the means by which the physical search
2 or electronic surveillance will be effected and
3 whether physical entry will be used to effect the
4 search or surveillance: *Provided*, That no order
5 shall authorize more than one unconsented physi-
6 cal entry into real property except for entries to
7 install, repair, or remove surveillance devices;”.

8 (39) Section 105(b)(1)(E) is amended by inserting
9 “physical search or” before “electronic surveillance”.

10 (40) Section 105(b)(1) is amended by adding at the end
11 thereof the following provision:

12 “(G) whenever more than one search of
13 property or the opening of more than one item of
14 mail is to be conducted under the order, the au-
15 thorized scope of the searches or opening of mail;
16 and”.

17 (41) Section 105(b)(2) is amended by inserting “physical
18 search or” before both appearances of “electronic surveil-
19 lance” and by inserting “search or” before “surveillance or
20 the aid”.

21 (42) Section 105(e) is amended to read as follows:

22 “(e) Whenever the target of the physical search or elec-
23 tronic surveillance is a foreign power, as defined in section
24 101(a) (1), (2), or (3) and each of the facilities, places or items
25 of property at which the search or surveillance is directed is

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1 owned, leased, exclusively used or openly and exclusively
2 controlled by that foreign power, the order need not contain
3 the information required by subparagraphs (C), (D), and (F)
4 of subsection (b)(1), but shall generally describe the informa-
5 tion sought and the communications, activities or property to
6 be subjected to the search or surveillance and for surveil-
7 lances the type of electronic surveillance involved, including
8 whether physical entry is required for the search or surveil-
9 lance.”.

10 (43) Section 105(d)(1) is amended by inserting “physical
11 search or” before the first appearance of “electronic”.

12 (44) Section 105(d)(3) is amended by inserting “physical
13 search or” before “electronic surveillance”.

14 (45) Section 105(e)(1) is amended to read as follows:

15 “(1) an emergency situation exists with respect to
16 the use of physical search or electronic surveillance to
17 obtain foreign intelligence information before an order
18 authorizing such search or surveillance can with due
19 diligence be obtained; and”.

20 (46) Section 105(e)(2) is amended by inserting “search
21 or” before all appearances of “surveillance” and by inserting
22 “physical search or” before all appearances of “electronic
23 surveillance”.

24 (47) Section 106(a) is amended by inserting “physical
25 search or” before both appearances of “electronic”.

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1 (48) Section 106(c) is amended by inserting “, or physi-
2 eal search or the property or mail of,” after “electronic sur-
3 veillance of”.

4 (49) Section 106(d) is amended by inserting “, or physi-
5 eal search of the property or mail of,” after “electronic sur-
6 veillance of”.

7 (50) Section 106 (e) through (g) are amended by insert-
8 ing “physical search or” before all appearances of “electronic
9 surveillance” and by inserting “search or” before all appear-
10 ances of “surveillance”.

11 (51) Section 106(h) is amended by inserting “a physical
12 search or an” before “electronic surveillance” and by insert-
13 ing “search or” before “surveillance”.

14 (52) Section 106(j) is amended by inserting “physical
15 search or” before both appearances of “electronic surveil-
16 lance” and by inserting “search or” before “surveillance”.

17 (53) Section 107 is amended by inserting “physical
18 search or” before “electronic surveillance”.

19 (54) Section 108(a) is amended by inserting “physical
20 searches and” before “electronic surveillance”.

21 (55) Section 109 is amended by inserting “physical
22 search or” before all appearances of “electronic surveil-
23 lance”.

24 (56) Section 110 is amended by striking “or about
25 whom information obtained by electronic surveillance of such

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1 person" and inserting in lieu thereof "or whose property or
 2 mail has been the subject of a physical search or about whom
 3 information obtained by electronic surveillance of such person
 4 or physical search of such property or mail".

5 (57) Section 111 is amended by inserting "physical
 6 search or" before "electronic surveillance".

7 AMENDMENTS TO CHAPTER 119 OF TITLE 18, UNITED
 8 STATES CODE

9 SEC. 802. Chapter 119 of title 18, United States Code,
 10 is amended as follows:

11 (1) Section 2511(2)(a)(ii) is amended by inserting "or to
 12 engage in physical search" after "electronic surveillance", by
 13 inserting "Search and" after "Intelligence", and by inserting
 14 "or physical search" before "or the device used".

15 (2) Section 2511(2) (e) and (f) are amended by inserting
 16 "Search and" after all appearances of "Intelligence".

17 TITLE IX—MISCELLANEOUS AMENDMENTS AND
 18 EFFECTIVE DATE

19 AMENDMENTS TO TITLE 5, UNITED STATES CODE

20 SEC. 901. (a) Section 5313 of title 5, United States
 21 Code, is amended by adding at the end thereof the following:

22 "(25) Director of National Intelligence."

23 (b) Section 5313 of such title is amended by striking out

24 "(15) Director of Central Intelligence."

25 and inserting in lieu thereof

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1 “(15) Director of the Central Intelligence
2 Agency.”.

3 (e)(1) Section 5314 of such title is amended by striking
4 out

5 “(35) Deputy Director of Central Intelligence.”.
6 and inserting in lieu thereof

7 “(35) Deputy Director of National Intelligence.”.

8 (2) Section 5314 of such title is further amended by
9 adding at the end thereof the following:

10 “(70) Deputy Director of the Central Intelligence
11 Agency.

12 “(71) Director of the National Security Agency.”.

13 (d) Section 5315 of such title is amended by adding at
14 the end thereof the following:

15 “(128) Assistant Directors of National Intelli-
16 gence (5).

17 “(129) Deputy Director of the National Security
18 Agency.

19 “(130) General Counsel of the Central Intelli-
20 gence Agency.

21 “(131) Inspector General of the Central Intelli-
22 gence Agency.”.

23 (e) Section 5316 of such title is amended by adding at
24 the end thereof the following:

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1 “(152) General Counsel of the National Security
2 Agency.”

3 “(153) Inspector General of the National Security
4 Agency.”

5 REPEAL OF SECTION 2422, TITLE 22, UNITED STATES

6 CODE

7 SEC. 902. Section 2422 of title 22, United States Code,
8 is repealed.

9 AMENDMENT TO THE FEDERAL ADVISORY COMMITTEE
10 ACT TO ELIMINATE EXEMPTION FOR THE CENTRAL
11 INTELLIGENCE AGENCY

12 SEC. 903. Section 4(b) of the Federal Advisory Commit-
13 tee Act (86 Stat. 770), is amended to read as follows:

14 “(b) Nothing in this Act shall be construed to apply to
15 any advisory committee established or utilized by the Federal
16 Reserve System.”

17 EFFECTIVE DATE

18 SEC. 904. This Act shall become effective on the first
19 day of the third calendar month following the month in which
20 it is enacted.

21 *That this Act may be cited as the “Intelligence Oversight Act*
22 *of 1980”.*

23 SEC. 2. Section 662 of the Foreign Assistance Act of
24 1961 (22 U.S.C. 2422) is amended by striking out in sub-
25 section (a) “and reports, in a timely fashion” and all that

1 follows down through the period in subsection (b) and insert-
2 ing in lieu thereof a period and the following: "Each such
3 operation shall be considered a significant anticipated intelli-
4 gence activity for the purposes of section 501 of the National
5 Security Act of 1947."

6 SEC. 3. (a) The National Security Act of 1947 (50
7 U.S.C. 401 et seq.) is amended by adding at the end thereof
8 the following new title:

9 "TITLE V—ACCOUNTABILITY FOR
10 INTELLIGENCE ACTIVITIES

11 "CONGRESSIONAL OVERSIGHT

12 "SEC. 501. (a) To the extent consistent with all appli-
13 cable authorities and duties, including those conferred by the
14 Constitution upon the executive and legislative branches of
15 the Government, and to the extent consistent with due regard
16 for the protection from unauthorized disclosure of classified
17 information and information relating to intelligence sources
18 and methods, the Director of Central Intelligence and the
19 heads of all departments, agencies, and other entities of the
20 United States involved in intelligence activities shall—

21 "(1) keep the Select Committee on Intelligence of
22 the Senate and the Permanent Select Committee on
23 Intelligence of the House of Representatives (herein-
24 after in this section referred to as the 'Select Commit-
25 tees') fully and currently informed of all intelligence

1 *activities which are the responsibility of, are engaged*
2 *in by, or are carried out for or on behalf of, any de-*
3 *partment, agency, or entity of the United States, in-*
4 *cluding any significant anticipated intelligence activi-*
5 *ty, except that (A) the foregoing provision shall not re-*
6 *quire approval of the Select Committees as a condition*
7 *precedent to the initiation of any such anticipated in-*
8 *telligence activity, and (B) if the President determines*
9 *it is essential to limit prior notice to meet extraordi-*
10 *nary circumstances affecting vital interests of the*
11 *United States, such notice shall be limited to the*
12 *chairman and ranking minority members of the Select*
13 *Committees, the Speaker and minority leader of the*
14 *House of Representatives, and the majority and minor-*
15 *ity leaders of the Senate;*

16 *“(2) furnish any information or material concern-*
17 *ing intelligence activities which is in the possession,*
18 *custody, or control of any department, agency, or*
19 *entity of the United States and which is requested by*
20 *either of the Select Committees in order to carry out*
21 *its authorized responsibilities; and*

22 *“(3) report in a timely fashion to the Select Com-*
23 *mittees any illegal intelligence activity or significant*
24 *intelligence failure and any corrective action that has*

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1 *been taken or is planned to be taken in connection*
2 *with such illegal activity or failure.*

3 “(b) *The President shall fully inform the Select Com-*
4 *mittees in a timely fashion of intelligence operations in for-*
5 *ign countries, other than activities intended solely for ob-*
6 *taining necessary intelligence, for which prior notice was not*
7 *given under subsection (a) and shall provide a statement of*
8 *the reasons for not giving prior notice.*

9 “(c) *The President and the Select Committees shall*
10 *each establish such procedures as may be necessary to carry*
11 *out the provisions of subsections (a) and (b).*

12 “(d) *The House of Representatives and the Senate, in*
13 *consultation with the Director of Central Intelligence, shall*
14 *each establish, by rule or resolution of such House, proce-*
15 *dures to protect from unauthorized disclosure all classified*
16 *information and all information relating to intelligence*
17 *sources and methods furnished to the Select Committees or to*
18 *Members of the Congress under this section. In accordance*
19 *with such procedures, each of the Select Committees shall*
20 *promptly call to the attention of its respective House, or to*
21 *any appropriate committee or committees of its respective*
22 *House, any matter relating to intelligence activities requiring*
23 *the attention of such House or such committee or commit-*
24 *tees.”.*

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Amend the title so as to read: "A bill to strengthen the system of congressional oversight of intelligence activities of the United States."

Calendar No.

96TH CONGRESS
2D Session

S. 2284

[Report No. 96-730]

A BILL

To authorize the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

FEBRUARY 8 (legislative day, JANUARY 3), 1980

Read twice and referred to the Select Committee on Intelligence

MAY 15 (legislative day, JANUARY 3), 1980

Reported with an amendment and an amendment to the title